2012-13

ANNUAL REPORT

Office of the Information and Privacy Commissioner of Alberta

Office of the Information and
Privacy Commissioner of Alberta

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Office of the Information and
Privacy Commissioner of Alberta

November 2013

The Honourable Gene Zwozdesky
Speaker of the Legislative Assembly
325 Legislature Building
10800 - 97 Avenue
Edmonton, AB T5K 2B6

Dear Mr. Speaker:

I am pleased to submit to you the Annual Report of the Office of the Information and Privacy Commissioner for the period April 1, 2012 to March 31, 2013.

This report is submitted under section 63(1) of the *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c. F-25; section 95(1) of the *Health Information Act*, R.S.A. 2000, c. H-5; and section 44(1) of the *Personal Information Protection Act*, S.A. 2003, c. P-6.5.

Yours truly,

Original signed by

Jill Clayton
Information and Privacy Commissioner

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Commissioner's Message

It is a particular pleasure for me to provide this message for the 2012-13 annual report of the Office of the Information and Privacy Commissioner (OIPC). This is because 2012-13 marks my first complete year as Information and Privacy Commissioner. Reflecting back on the year, I see it as one characterized by consultation, discussion, assessment and planning.

The OIPC was established in 1995, and has changed significantly in its 18 years. For one thing, it has grown from a small office with a handful of staff to its current complement of 40, located in two offices (Calgary and Edmonton). The Office's first Commissioner, Bob Clark, was part-time, and responsible for providing oversight for the *Freedom of Information and Protection of Privacy Act*. Over the years, Alberta has passed two additional access and privacy laws—the *Health Information Act* and the *Personal Information Protection Act*. I and my colleagues at the OIPC work to fulfill my legislated mandates under these three laws, including resolving privacy complaints, reviewing responses to requests for access, conducting inquiries and issuing binding orders, reviewing privacy impact assessments, issuing privacy breach notification decisions, reviewing draft legislation and proposed programs, educating and raising awareness, and conducting research. The scope of the laws we regulate and enforce now includes the public sector, the health sector, and the provincial private sector.

After 18 years of growth, however, and as a new Commissioner, I felt 2012-13 was an opportune time to take a step back and assess how the OIPC was functioning. At the same time, I thought it important to develop a baseline understanding of where our regulated stakeholders were at with respect to regulation, compliance, and issues, as well as some sense of the general public's feelings about access and privacy. In my view, information of this sort is critical to informing the vision of the OIPC and our direction over the next few years.

With respect to "how the OIPC was functioning", we held discussion groups with all OIPC staff. Many of these staff members have a long history with the office and deep familiarity with our stakeholders, legislation, and processes. They provided valuable insight into what was working well, and possible areas of improvement.

We also commissioned a survey of stakeholders—public bodies, health custodians and private sector organizations. We asked many questions related to the following four areas:

1. The implementation of stakeholder access and privacy compliance programs
2. Communication with the OIPC
3. The quality of OIPC processes and forms
4. Their assessment of current and emerging access and privacy issues

A survey of the general public was conducted to obtain information about Albertans' awareness of access and privacy laws, the OIPC, and issues generally.

In addition to the above, I and my colleagues met with stakeholders,

presented at conferences, worked with media, and generally tried to engage with stakeholders, access and privacy professionals, and the public to increase awareness and understand current and emerging issues.

The information and insight obtained through all of the above consultation, discussion, and assessment allowed us to develop our 2013-2016 Strategic Plan. Although we are still very much starting out on this journey, a number of activities were formulated and initiated in 2012-13, including:

- a project to modernize the OIPC's case management information system to better monitor and track our activities and improve efficiency and decision-making;
- a project to modernize the OIPC's website, to better communicate with stakeholders and the public and improve the effectiveness and efficiency of OIPC processes; and
- the announced reorganization of the office structure to redistribute and balance workloads, develop bench strength through cross-training staff, streamline OIPC processes and improve our ability to respond nimbly to changes in our environment.

As is often the case, the implementation of these initiatives will no doubt be challenging and initially disruptive—change always is. As we move in a new direction, however, I am grateful for the passion and support of my colleagues at the OIPC, as well as the willingness of stakeholders and the public to share their thoughts and ideas for change. I am confident that the OIPC, as well as the stakeholders and Albertans we serve, will ultimately benefit.

Jill Clayton
Information and Privacy Commissioner of Alberta

Logo

After 17 years, the OIPC logo was given a more modern look. The new logo acknowledges the past with the continued use of the "IP" and a red colour. The transparent "I" overlaid on the "P" represents openness and accountability, while the digital squares are a nod to the impact technology now has on information and privacy.

Old

New

About the Office

Mandate

The Information and Privacy Commissioner is an Officer of the Legislature. The Commissioner reports directly to the Legislative Assembly of Alberta and is independent of the government of the day.

Through the Office of the Information and Privacy Commissioner (OIPC), the Commissioner performs the legislative and regulatory responsibilities set out in Alberta's three access and privacy Acts.

- The *Freedom of Information and Protection of Privacy Act* (FOIP or the FOIP Act) applies to 1,160 public bodies, including provincial government departments and agencies, boards and commissions, municipalities, Métis settlements, drainage districts, irrigation districts, housing management bodies, school boards, post-secondary institutions, public libraries, police services, police commissions and health authorities.

The FOIP Act provides a right of access to any record in the custody or under the control of a public body, subject to limited and specific exceptions. The Act also gives individuals the right to access their own personal information held by public bodies and to request corrections to their own personal information. The Act protects privacy by setting out the circumstances in which a public body may collect, use or disclose personal information.

- The *Health Information Act* (HIA) applies to more than 54,900 health custodians, including Alberta Health, Alberta Health Services, Covenant Health, nursing homes, physicians, registered nurses, pharmacists, optometrists, opticians, chiropractors, podiatrists, midwives, dentists, denturists, and dental hygienists.

HIA also applies to "affiliates," who perform a service for custodians, such as employees, contractors, students and volunteers. Custodians are responsible for the information collected, used and disclosed by their affiliates.

HIA allows health services providers to exchange health information to provide care and to manage the health system. The Act protects patients' privacy by regulating how health information may be collected, used and disclosed and by establishing the duty for custodians to take reasonable steps to protect the confidentiality and security of health information. The Act also gives individuals the right to access their own health information, to request corrections, and to have custodians consider their wishes regarding how much of their health information is disclosed or made accessible through Alberta's provincial electronic health record system (i.e. Alberta Netcare).

- The *Personal Information Protection Act* (PIPA) applies to provincially-regulated private sector organizations, including businesses, corporations, associations, trade unions, private schools, private colleges, partnerships, professional regulatory organizations, and any individual acting in a commercial capacity.

PIPA protects the privacy of clients, customers, employees and volunteers by establishing the rules for the collection, use and disclosure of personal information by organizations. The Act seeks to balance the right of the individual to have his or her personal information protected with the need of organizations to collect, use or disclose personal information for reasonable purposes. PIPA also gives individuals the right to access their own personal information held by organizations and to request corrections.

The Commissioner oversees and enforces the administration of these Acts to ensure their purposes are achieved. The Commissioner's powers, duties and functions include:

- providing independent review and resolution on requests for review of responses to access to information requests and complaints related to the collection, use and disclosure of personal and health information
- investigating any matters relating to the application of the Acts, whether or not a review is requested
- conducting inquiries to decide questions of fact and law and issuing binding orders
- educating the public about the Acts, their rights under the Acts and access and privacy issues in general
- receiving comments from the public concerning the administration of the Acts
- giving advice and recommendations of general application respecting the rights or obligations of stakeholders under the Acts
- engaging in or commissioning research into any matter affecting the achievement of the purposes of the Acts
- commenting on the implications for access to information or for protection of personal privacy of proposed legislative schemes and existing or proposed programs
- commenting on the access and privacy implications of privacy impact assessments submitted to the Commissioner
- commenting on the privacy and security implications of using or disclosing personal and health information for record linkages or for the purpose of performing data matching

Vision

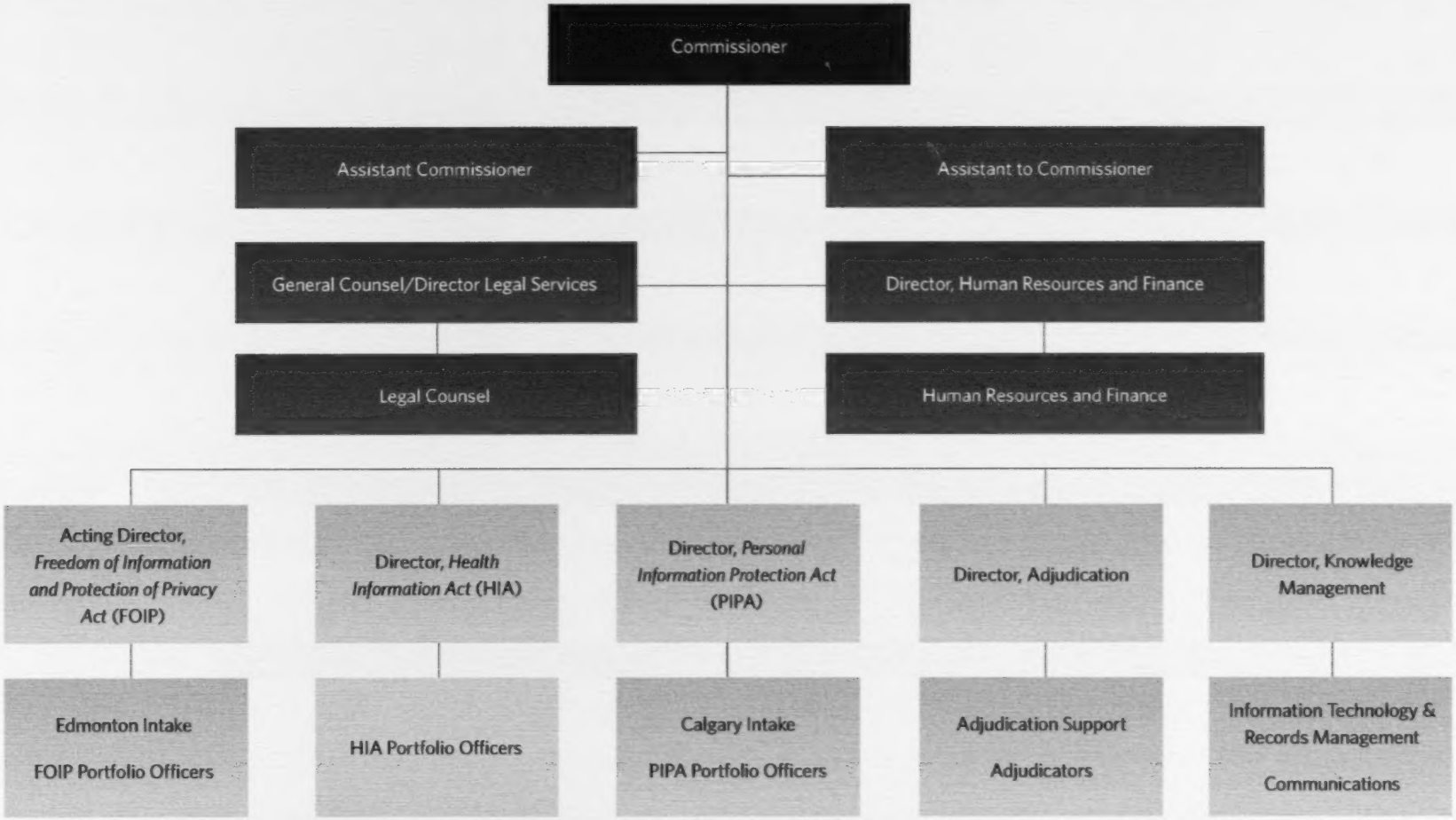
A society that values and respects access to information and personal privacy.

Mission

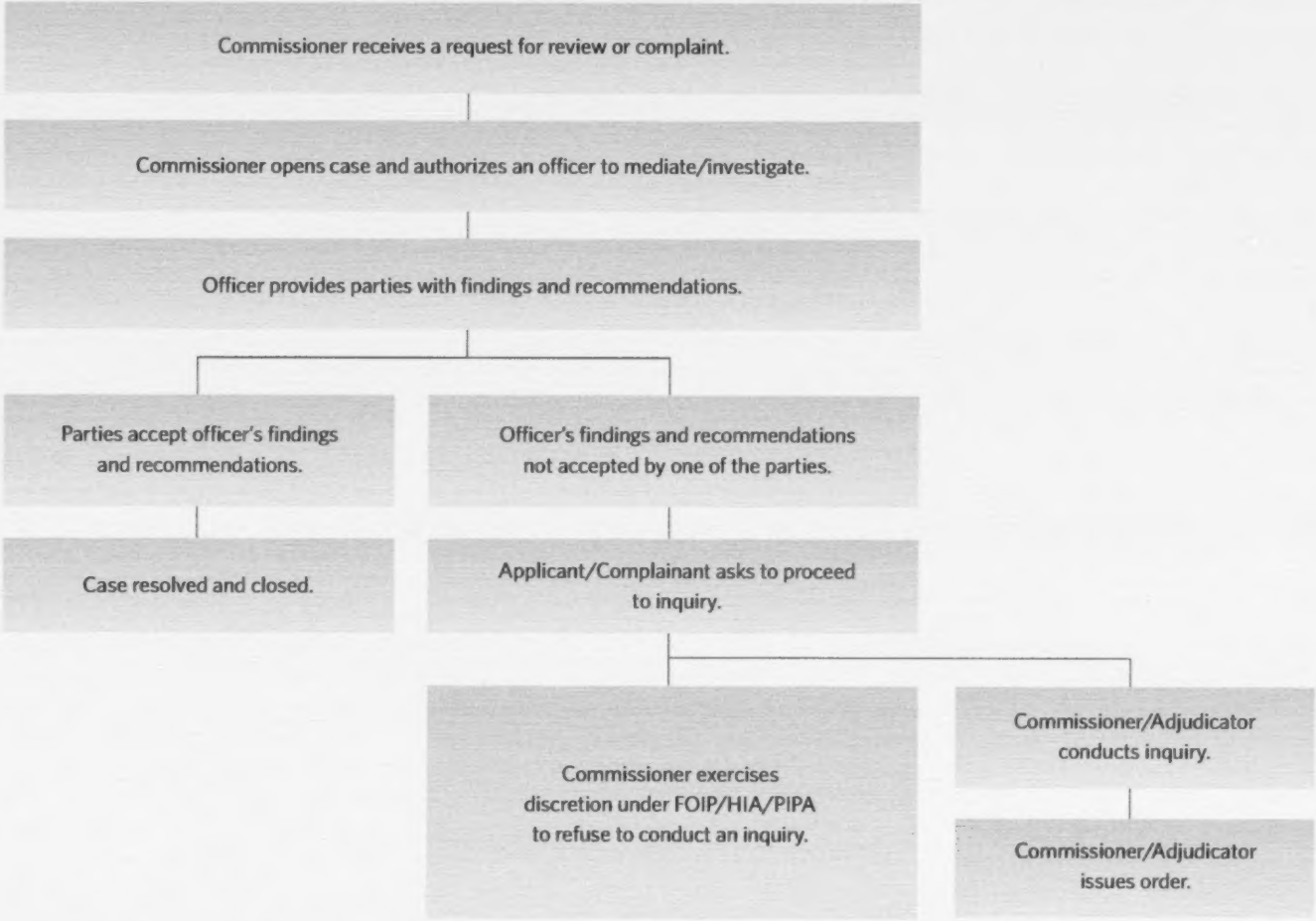
Our work toward supporting our vision includes:

- advocating for the privacy and access rights of Albertans
- ensuring public bodies, health custodians and private sector organizations uphold the access and privacy rights contained in the laws of Alberta
- providing fair, independent and impartial reviews in a timely and efficient manner

OIPC Organizational Structure 2012-13



The Process: Request for Review/Complaint


Commissioner receives a request for review or complaint.
Commissioner opens case and authorizes an officer to mediate/investigate.
Officer provides parties with findings and recommendations.
Parties accept officer's findings and recommendations.
Officer's findings and recommendations not accepted by one of the parties.
Case resolved and closed.
Applicant/Complainant asks to proceed to inquiry.
Commissioner exercises discretion under FOIP/HIA/PIPA to refuse to conduct an inquiry.
Commissioner/Adjudicator conducts inquiry.
Commissioner/Adjudicator issues order.

OIPC as a Public Body

FOIP Requests to OIPC

Section 4(1)(d) of the FOIP Act states that records created by or for or in the custody or under the control of the Commissioner in the exercise of her legislative functions are excluded from the application of the FOIP Act.

In 2012-13, the OIPC received four access to information requests: three general information requests and one personal information request. One request was subsequently withdrawn by the applicant. With respect to the other three requests:

- two applicants were informed that the records responsive to their access requests were excluded under section 4(1)(d) of the FOIP Act; and
- one applicant was informed that there were no records responsive to his/her access request.

All requests were responded to within the 30-day time limit set out in the FOIP Act.

OIPC Privacy Breaches

In 2012-13, the OIPC conducted six internal investigations into potential privacy breaches:

- Incident #1 – A complainant was copied in error on a letter sent to a third party's legal counsel. The personal information involved was the complainant's name. The letter was recovered from the third party's legal counsel who confirmed the identity of the complainant was not disclosed to the third party. OIPC reviewed its processes, undertook steps to prevent a similar recurrence and notified the complainant of the incident.
- Incident #2 – OIPC staff sent an email to individuals on a subscriber list. The email addresses were inserted into the CC portion of the email rather than the BCC portion. As a result, the email addresses of all subscribers were viewable by all recipients. The personal information involved was 332 business email addresses. The investigation determined that the risk of harm to the subscribers was unlikely as the disclosure was limited to the disclosure of business email addresses. The subscribers were notified of the incident. OIPC implemented steps to double-check and verify that email addresses are properly inserted in the BCC section before sending mass emails.
- Incident #3 – the OIPC received a complaint regarding the disclosure of a complainant's address by the OIPC to a public body. The investigation determined that the disclosure was not a breach as the complainant's address for service was for the purposes of the complaint. The complainant was notified of the investigation's findings.
- Incident #4 – OIPC staff faxed documents (covering letter and an order that would be made public) to the wrong number. The documents contained no personal information other than the names of legal counsels. The recipient of the fax contacted OIPC and confirmed that the documents had been shredded. The investigation determined that the disclosure would not present a risk of significant harm to any individual; therefore, no notification was issued.
- Incident #5 – the OIPC was informed by a public body that complaint notification letters were sent to the wrong employee within the public body. When the OIPC sends letters notifying public bodies that a complaint or request for review has been received and a file opened, the general practice is to address the letters to the head of the public body and copy a designated contact within the public body (generally the FOIP Coordinator). The investigation found that the public body had multiple designated contacts for the OIPC, which was confusing for both the OIPC and the public body. The public body was informed that the OIPC would no longer accommodate requests for multiple contacts.
- Incident #6 – the OIPC sent notification letters to a public body that no longer existed. The notification letters were received by another public body who contacted the OIPC. The letters were sent back to the OIPC. The investigation found that the OIPC's case management system had not been updated. Staff were reminded to double check to ensure that notification letters are addressed to the correct public bodies. The correct public body and the applicant were notified of the incident.

Proactive Travel and Expenses Disclosure

Since 2008, the OIPC has proactively disclosed the travel, vehicle, and hosting expenses of the Commissioner. Effective December 2012, the scope of the public disclosure was expanded to include the travel and hosting expenses of the Assistant Commissioner and OIPC Directors, reported on a bi-monthly basis.

Financial Overview

For the fiscal year 2012-13, the total approved budget for the OIPC was $6.3 million. The total cost of operating expenses and equipment purchases was $6.2 million. The OIPC returned $105,173 (1.7% of the total approved budget) to the Legislative Assembly.

Total Actual Costs Compared to Budget

	VOTED BUDGET	ACTUAL	DIFFERENCE
Operating Expenses*	$ 6,238,000	$ 6,166,963	$ 71,037
Equipment Purchases	50,000	15,864	34,136
Total	**$ 6,288,000**	**$ 6,182,827**	**$ 105,173**

*Amortization is not included

Salaries, wages, and employee benefits make up approximately 81% of the OIPC operating expenses budget. Due to vacant positions and staff taking fewer courses, the OIPC had payroll savings of $15,382.

Supplies and services were $55,655 below budget due primarily to decreased office supplies, decreased technology maintenance costs and reduced printing while awaiting the development of a new logo. Savings were offset by increased contract services for a new logo design, OIPC stakeholder and public opinion surveys and development of a new website.

Total Actual Costs Compared to Prior Year

	2012-13	2011-12	DIFFERENCE
Operating Expenses	$ 6,166,963	$ 5,524,829	$ (642,134)
Equipment Purchases	15,864	79,033	63,169
Total	**$ 6,182,827**	**$ 5,603,862**	**$ (578,965)**

Total costs for operating expenses and equipment purchases increased by $578,965 from the prior year. This is due primarily to two additional positions, salary increases in accordance with the public sector pay plans and directives, and increased benefit costs. There were also increased legal costs and consulting services for the logo design, OIPC stakeholder and public opinion surveys and development of a new website.

The OIPC initiated a pilot project to second an internal resource to a litigation role. An evaluation of this project to date shows significant promise for reducing the Office's reliance on external counsel for judicial review applications and other court cases over the next two to three years.

Trends & Issues

In 2012-13, anyone following the news would have seen almost daily stories having access and privacy implications. Tales of expense disclosures and political contributions, cyber-security and privacy breaches, new technologies and social media, law enforcement and new legislation abounded. To provide some context for the work of the OIPC, this section of the Annual Report highlights some of the provincial, national and international issues and trends that shaped and influenced the access and privacy landscape in 2012-13.

Access to Information Regains the Spotlight

On April 9, 2012, the Centre for Law and Democracy (CLD) released the results of a study comparing access to information legislation from Alberta, British Columbia, Ontario and Nova Scotia (www.law-democracy.org/live). The study used a rating methodology to assess the strength of access laws. Alberta's FOIP Act finished last in the group with a score of 80 out of a possible 150. CLD reported that:

> Alberta's poor score came mainly as a result of the narrow scope of the law and the overly broad regime of exceptions. These loopholes, which include blanket exclusions for the offices of MLAs and for information relating to government contracts, severely undermine the ability of the law to function properly as a tool for public accountability.

A few months later, in September 2012, Newspapers Canada released its seventh annual National Freedom of Information (FOI) Audit report (www.newspaperscanada.ca/sites/default/files/Freedom-of-Information-Audit-2012-FINAL.pdf). This annual report reviewed the performance of Canadian access to information regimes by submitting FOI requests to municipal and provincial governments across Canada. The audit then compared the speed and efficiency of request processing, and how much information was released, issuing each institution a grade.

In Alberta, the cities of Edmonton and Calgary both received "A" grades for "speed of disclosure"; the provincial government received a "B". With respect to the "completeness" of responses received, the cities both received "B" grades while the province received a "D".

These studies provide helpful insight about how access to information laws are working and how they might be improved. They received significant attention in Alberta, and were particularly timely considering recommendations for amending Alberta's access to information law were made, but not implemented, following an all-party review of the FOIP Act in 2010. Further, in 2012, the Government of Alberta established a new Associate Minister position responsible for Accountability, Transparency and Transformation. One of the key tasks the Associate Minister committed to was a review of Alberta's FOIP Act.

Throughout 2012-13, attention in the province was increasingly focused on the expense claims of senior health officials and other matters that came to light as a result of FOIP requests. The provincial government introduced a new policy mandating proactive disclosure of the travel and hospitality expenses of cabinet ministers and their political staff, senior officials appointed by Order in Council and paid directly by government, Deputy Ministers and Executive Managers in the Alberta Public Service. The first reports were posted online in December 2012. The OIPC committed to reviewing implementation of the policy after one year.

The new focus on access to information in Alberta represented a shift from previous years in which privacy issues generally garnered more attention. This shift was also evidenced in the number and type of cases opened by the OIPC. In 2012-13, the OIPC opened 597 cases under the FOIP Act, compared to 425 the previous fiscal year—a 40% increase. The number of requests for review under the Act increased 17%; complaints rose by 92%. Third party requests for review increased 115%; and the number of requests to the Commissioner for time extensions increased by 89%.

Under the FOIP Act, the OIPC saw:

40% increase in cases opened

17% increase in requests for review

92% increase in complaints

115% increase in third party requests for review

89% increase in time extensions requests

Privacy Breaches, Notification and Reporting Laws, and Monetary Penalties

Almost daily reports of significant high-profile privacy breaches captured the public's interest in 2012-13, raising awareness of both the frequency with which such incidents occur and the potential risks to individuals resulting from such incidents. Federally, the loss of an unencrypted removable hard drive by Human Resources and Skills Development Canada (HRSDC) received significant media coverage due to the type of information involved (including social insurance numbers) and the number of affected individuals (close to 600,000 Canada Student Loan clients). The incident focused attention on the potentially serious consequences of such incidents, and the need to implement reasonable safeguards to protect personal information.

Mandatory breach reporting and notification laws were also debated and discussed nationally and internationally. In Australia, for example, a bill was proposed that would require businesses and government agencies that experience a serious data breach to notify affected individuals and the Office of the Australian Information Commissioner. The Australian *Privacy Amendment Act* was eventually passed in November 2012, giving the Australian Information Commissioner enhanced powers to seek civil penalties in the case of serious or repeated breaches of privacy. In Canada, a private member's bill to amend the *Personal Information Protection and Electronic Documents Act* (PIPEDA) was introduced in February 2013. The bill proposed mandatory breach disclosure requirements along with new order-making power for the federal Privacy Commissioner and penalties for compliance failures. At the end of March 2013, the bill was at introduction and first reading.

Each of the above raised the issue of monetary penalties for compliance failures, perhaps looking to the example set by the United Kingdom. In the UK, the Information Commissioner's Office (ICO) has had the power since 2010 to impose monetary penalties for serious contraventions of the *Data Protection Act*. Significant penalties imposed in 2012-13 included:

- £250,000 penalty against Sony Computer Entertainment Europe Limited after names, addresses, email addresses, dates of birth and passwords of 77 million users was breached by hackers, exploiting a vulnerability in the company's PlayStation Network.
- £325,000 penalty against Brighton and Sussex University Hospitals NHS Trust after personal information of tens of thousands of patients and staff was found on hard drives sold on an Internet auction site.
- £225,000 penalty against Belfast Health and Social Care Trust after personal data of thousands of patients and staff at a decommissioned hospital site was accessed.

The total number of breaches reported to the OIPC in 2012-13 (mandatory and voluntary) was 182, representing a three per cent increase over the previous fiscal year.

Increasingly, mandatory privacy breach reporting, notification and the power to issue monetary penalties in some circumstances are seen to be crucial components of privacy regulatory frameworks, strengthening public confidence in the public bodies and businesses that hold personal information and allowing privacy commissioners better oversight.

In Alberta, reporting privacy breaches to the Information and Privacy Commissioner is mandatory only under PIPA, for incidents that result in a real risk of significant harm to individuals. However, many public bodies and health custodians also report privacy breaches on a voluntary basis. The total number of breaches reported to the OIPC in 2012-13 (mandatory and voluntary) was 182, representing a three per cent increase over the previous fiscal year.

Privacy in the Courts

As the amount of personal information collected and used by organizations, public bodies and health custodians continues to increase exponentially, privacy issues have also increasingly appeared in the courts in the form of lawsuits and class actions. Some significant Canadian cases that influenced 2012-13 included:

- *Jones v. Tsige*, 2012 ONCA 32: although the Ontario Court of Appeal issued this decision in January 2012, it was much discussed in privacy forums during 2012-13. It is the first appellate-level decision in Canada to explicitly acknowledge the existence of a common law tort relating to invasion of privacy and intrusion upon seclusion.
- *R. v. Cole*, 2012 SCC 53: the Supreme Court of Canada issued this decision in October 2012. The case involved a high school teacher caught with nude photographs of an underage female student on his school board-issued laptop. The decision confirmed that employees can expect a reasonable level of privacy in connection with personal information stored on workplace computers.
- Multiple proposed class action lawsuits followed the Government of Canada announcement in January 2013 that an HRSDC external hard drive containing personal information had gone missing. A consolidated Statement of Claim filed on behalf of various participating law firms is seeking damages for, among other things, breach of privacy, identity theft and/or damages to credit reputation, damages for the costs incurred to prevent identity theft, damages for emotional distress/inconvenience, and/or compensation for out of pocket expenses. The certification hearing is scheduled to take place in December 2013.

Closer to home, in September 2012 the Information and Privacy Commissioner of Alberta laid charges against an individual under the HIA.

The matter arose as a result of a self-reported breach to the OIPC. An offence investigation into suspicious accesses to health information was opened, and eventually referred to Crown prosecutors at Alberta Justice and Solicitor General. Thirty-four charges were laid under the HIA for improperly accessing other individuals' health information, inappropriate use of health information, inappropriate disclosure of health information and knowingly falsifying a record. Six additional charges were laid under the *Criminal Code*. The charges have not yet been proven in Court.

In another Alberta matter before the courts, in October 2012 the Supreme Court of Canada granted the Information and Privacy Commissioner leave to appeal the ruling of the Alberta Court of Appeal in *United Food and Commercial Workers, Local 401 v. Alberta (Attorney General)*, 2012 ABCA 130.

The case dates back to 2006 when complaints were filed with the Information and Privacy Commissioner that United Food and Commercial Workers (UFCW) was videotaping and photographing people crossing a picket line during a strike at the Palace Casino in Edmonton. UFCW said it would post the images to a website, and used some personal information in posters and leaflets. The Commissioner's Office found that UFCW contravened PIPA when it dealt with personal information for purposes other than for an investigation or legal proceeding. The Court of Appeal declared that the application of Alberta's PIPA to the Union's activities was unconstitutional because it infringed the UFCW's charter right to freedom of expression. The matter was heard by the Supreme Court of Canada in June 2013. A decision has not yet been released.

Deputizing the Private Sector

Another trend that appears to be on the rise is the increasing reliance by government agencies, and particularly law enforcement, on personal information collected by private businesses about their customers and clients. This has sometimes been called 'deputizing the private sector'—referring to the idea that private businesses have become unofficial 'agents of the state' when they provide law enforcement with access to information about customers and clients, collected in the course of business.

This trend was highlighted by Google in its Transparency Report, released in November 2012 (www.google.com/transparencyreport). The Report details government requests made to Google for information about its users and stated that such requests for the first six months of 2012 increased 33 % over the same period in 2011 (from 15,744 to 20,938). The Report concludes that "surveillance of Internet users by governments around the world is on the rise." Since Google began releasing its Transparency Report in 2009, government requests for information have increased almost 67%.

A Canadian example of this trend is the federal government's introduction, in February 2012, of Bill C-30, the *Protecting Children from Internet Predators Act.*

Sometimes referred to as 'lawful access' legislation, Bill C-30 was ostensibly about modernizing law enforcement powers to address 21st century challenges of fighting online crime. At its core, Bill C-30 would have compelled Internet service providers to store data on their clients' activities, and to provide identifying information on those clients to police without their first obtaining a warrant.

Bill C-30 was the subject of much debate and media attention, engaging citizens, civil society, governments, and law enforcement alike. Privacy Commissioners across Canada reiterated concerns they had raised previously regarding similar legislation proposed in 2009 (Bills C-46 and C-47) and again in 2011 (Bills C-50, C-51 and C-52). Canada's government responded by announcing that Bill C-30 would be sent to a Parliamentary Committee for review. Some months later, amid conflicting reports on the Bill's status, Vancouver Police Chief and President of the Canadian Association of Chiefs of Police Jim Chu re-ignited debate by publishing an op-ed in the Vancouver Sun supporting Bill C-30 (www.vancouversun.com/life/Cybercrime+laws+must+evolve/7501897/story.html). In response, the Privacy Commissioners of Ontario, Alberta and British Columbia wrote a joint letter to the editors of the Windsor Star, Edmonton Journal and Vancouver Sun identifying the privacy risks of the bill. In February 2013, the federal government announced that Bill C-30 would not be proceeding in Parliament.

An Alberta example of the trend towards deputizing the private sector was the introduction of Bill 201, the *Scrap Metal Dealers and Recyclers Identification Act.* The Act, which comes into force on proclamation, requires scrap metal dealers and recyclers to collect information about individuals who purchase or receive scrap metal and to report information about any transaction to law enforcement agencies when the amount of scrap metal purchased or received exceeds a specified weight or if there are reasonable grounds to believe that the scrap metal is stolen property.

In a news release issued in December 2012, the OIPC noted that many questions remained about Bill 201 including the type and amount of personal information that would be collected by a dealer or recycler; the manner in which the personal information would be recorded and secured; and how long a dealer or recycler must retain the information.

In accordance with the Commissioner's mandate to comment on the access and privacy implications of proposed legislative schemes and programs, the OIPC stated a willingness to consult on any future regulations made under the *Scrap Metal Dealers and Recyclers Identification Act.*

Privacy at the Intersection of Work and Private Life

As citizens become even more connected through social media and technology—particularly the ubiquitous smartphone—we increasingly see access and privacy issues arise when individuals' personal lives start to intersect with the work place.

Debate and discussion ensued amidst stories in both Canada and the United States of employers requiring prospective employees to provide Facebook passwords as part of pre-employment screening. Following its publication in December 2011 of *Guidelines for Social Media Background Checks*, the OIPC found increasing demand in 2012-13 for presentations on this topic.

But the privacy implications of social media use are not confined solely to pre-employment checks. Issues may also arise when employees take to blogging and tweeting in their off-hours about their workplace and colleagues, and sometimes when they use these communication media in the course of their employment duties.

An emerging issue that came to prominence in 2012-13 is commonly referred to as 'BYOD'—or Bring Your Own Device. As employers increasingly look to recruit and retain (often millennial) employees, they also seek to accommodate these individuals and their attachment to their personal technology devices. Simply put, BYOD refers to employees bringing their own technology devices—smartphones, tablets, laptops—into the workplace.

While there are potentially many benefits to employers in allowing this practice—including staff members that are always connected and reachable, and equipment cost savings—there are also a number of risks. BYOD, and particularly the merging of work and personal information on a single device, can compromise confidential and personal information particularly if the device is capable of accessing company servers, or if its use is not subject to the employer's information security policies. In the event a device is lost or stolen, stored information may be at risk for unauthorized access. For employers who are also public bodies and subject to access to information legislation, the introduction of personal devices in the workplace can make it difficult to locate all responsive records and provide timely responses to access requests. These are only some of the potential risks, and any employer seeking to adopt a BYOD practice would be well-advised to implement a comprehensive policy setting out expectations for use of personal devices in the workplace.

In 2012, OIPC staff members participated in a number of conference sessions discussing and debating the access and privacy issues associated with BYOD. Within the Office, following a survey of staff interest and completing a Privacy Impact Assessment to identify and assess the risks of a BYOD technology solution, the OIPC decided against introducing the practice at this time. The Office will continue to monitor the issues and technology solutions, however, and may reconsider the practice in the future.

By the Numbers

Number of self-reported breach cases opened:

FOIP	HIA	PIPA
41	57	84

1401 total number of cases opened

40% of FOIP cases opened were requests for review

67% of HIA cases opened were PIA reviews

40% of PIPA cases opened were self-reported breaches

399 Privacy Impact Assessments submitted by HIA custodians

34 breach notification decisions issued under PIPA

65 Commissioner-initiated investigations opened

171% increase from 2011-12

1270 total number of cases closed

87 speeches and presentations delivered

80 media enquiries

Graph A:
Total Cases Opened

Three Year Comparison

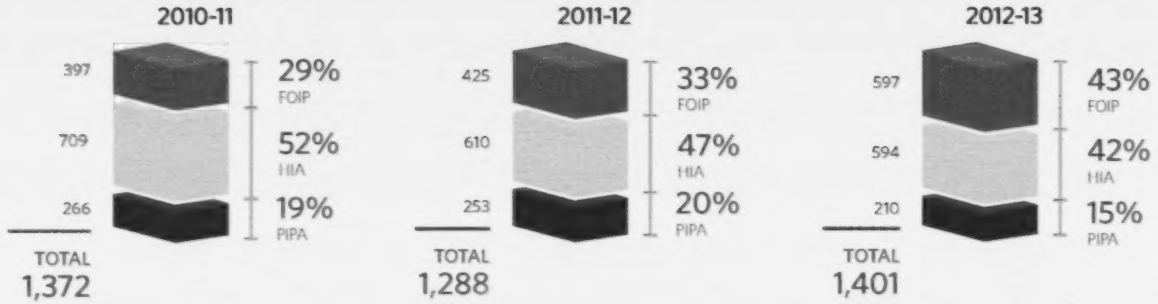


Table 1: Cases Opened by Case Type

FOIP	2010-11	2011-12	2012-13
Advice and Direction	2	0	4
Authorization to Disregard a Request	6	4	3
Complaint	107	65	125
Notification to OIPC	0	1	6
Engage in or Commission a Study	0	0	0
Excuse Fees	9	6	3
Investigation Generated by Commissioner	14	7	11
Offence Investigation	0	1	1
Privacy Impact Assessments	20	22	21
Request for Information	43	34	32
Request for Review	132	205	239
Request for Review 3rd Party	17	20	43
Request Time Extension	31	36	68
Self-reported Breach	16	24	41
Total	**397**	**425**	**597**

HIA	2010-11	2011-12	2012-13
Advice and Direction	0	1	0
Authorization to Disregard a Request	0	1	0
Complaint	26	17	27
Notification to OIPC	0	0	1
Engage in or Commission a Study	0	1	0
Excuse Fees	0	0	0
Investigation Generated by Commissioner	17	15	48
Offence Investigation	17	2	0
Privacy Impact Assessments	510	434	399
Request for Information	65	52	48
Request for Review	31	28	14
Request Time Extension	0	0	0
Self-reported Breach	43	59	57
Total	**709**	**610**	**594**

PIPA	2010-11	2011-12	2012-13
Advice and Direction	0	0	1
Authorization to Disregard a Request	1	0	1
Complaint	138	82	52
Notification to OIPC	0	0	0
Engage in or Commission a Study	0	0	0
Excuse Fees	1	2	0
Investigation Generated by Commissioner	2	2	6
Offence Investigation	0	0	0
Privacy Impact Assessments	0	1	0
Request for Information	1	10	10
Request for Review	73	61	56
Request Time Extension	1	0	0
Request for Advance Ruling	0	1	0
Self-reported Breach	49	94	84
Total	**266**	**253**	**210**

Note: See Appendix A for a complete listing of the cases opened in 2012-13

Graph B: Total Cases Closed

Three Year Comparison

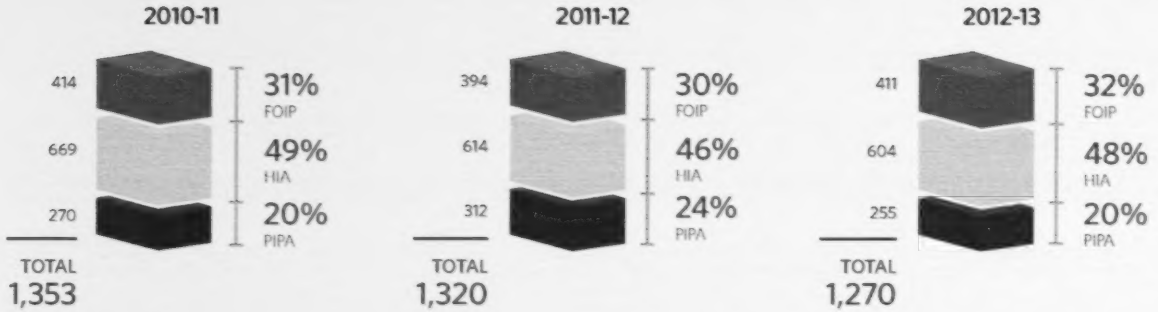


Table 2: Cases Closed by Case Type

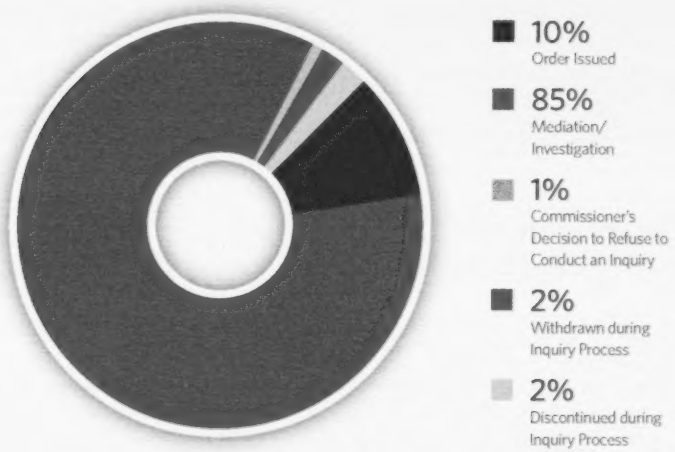
FOIP	2010-11	2011-12	2012-13
Advice and Direction	2	0	3
Authorization to Disregard a Request	6	4	3
Complaint	114	68	66
Notification to OIPC	0	1	6
Engage in or Commission a Study	0	0	0
Excuse Fees	9	6	3
Investigation Generated by Commissioner	11	11	2
Offence Investigation	0	1	1
Privacy Impact Assessment	20	24	15
Request for Information	41	41	33
Request for Review	155	159	163
Request for Review 3rd Party	15	18	21
Request Time Extension	27	41	58
Self-reported Breach	14	20	37
Total	**414**	**394**	**411**

HIA	2010-11	2011-12	2012-13
Advice and Direction	0	1	0
Authorization to Disregard a Request	0	0	1
Complaint	19	26	23
Notification to OIPC	0	0	1
Engage in or Commission a Study	0	0	1
Excuse Fees	1	0	0
Investigation Generated by Commissioner	16	14	42
Offence Investigation	1	16	1
Privacy Impact Assessment	501	419	410
Request for Information	60	54	49
Request for Review	27	33	17
Request Time Extension	0	0	0
Self-reported Breach	44	51	59
Total	**669**	**614**	**604**

PIPA	2010-11	2011-12	2012-13
Advice and Direction	0	0	1
Authorization to Disregard a Request	1	1	0
Complaint	150	135	113
Notification to OIPC	0	0	0
Engage in or Commission a Study	0	0	0
Excuse Fees	2	2	1
Investigation Generated by Commissioner	5	1	2
Offence Investigation	1	0	0
Privacy Impact Assessment	0	1	0
Request for Information	6	8	7
Request for Review	67	72	56
Request Time Extension	1	0	0
Request for Advance Ruling	0	1	0
Self-reported Breach	37	91	75
Total	**270**	**312**	**255**

Note: See Appendix B for a complete listing of the cases closed in 2012-13

Graph C: Percentage of Cases Closed by Resolution Method



Of the 463 cases that could proceed to inquiry:

38% were resolved within 90 days

22% were resolved within 91 to 180 days

40% took more than 180 days to resolve

Table 3: Percentage of Cases Closed by Resolution Method

Under the legislation, only certain case types can proceed to inquiry if the matters are not resolved at mediation/investigation. The statistics below are those case types that can proceed to inquiry (Request for Review, Request for Review 3rd Party, Request to Excuse Fees and Complaint files).

RESOLUTION METHOD	NUMBER OF CASES (FOIP)	NUMBER OF CASES (HIA)	NUMBER OF CASES (PIPA)	TOTAL	%
Resolved by Mediation/Investigation	206	36	150	392	85%
Resolved by Order	29	2	14	45	10%
Resolved by Commissioner's Decision to Refuse to Conduct an Inquiry	3	1	2	6	1%
Withdrawn during inquiry process	7	1	1	9	2%
Discontinued during inquiry process	8	0	3	11	2%
Total	253	40	170	463	100%

FOIP Orders: 29 (30 cases); HIA Orders: 2 (2 cases); PIPA Orders: 13 (14 cases)

Notes: (1) Some Orders and/or Report Numbers were assigned to more than one case. Some cases had more than one Order. (2) Orders are recorded by the date the Order was signed, rather than the date the Order was publicly released. (3) This table only includes Orders issued that concluded/closed the file. See Appendix C for a listing of all Orders issued. (4) An inquiry can be discontinued due to a lack of contact with or participation of the applicant or complainant or the issues have become moot.

See Tables 1 and 2 and Appendices A and B for total cases opened and closed.
A copy of all Orders and Public Investigation Reports are available on the OIPC web site www.oipc.ab.ca

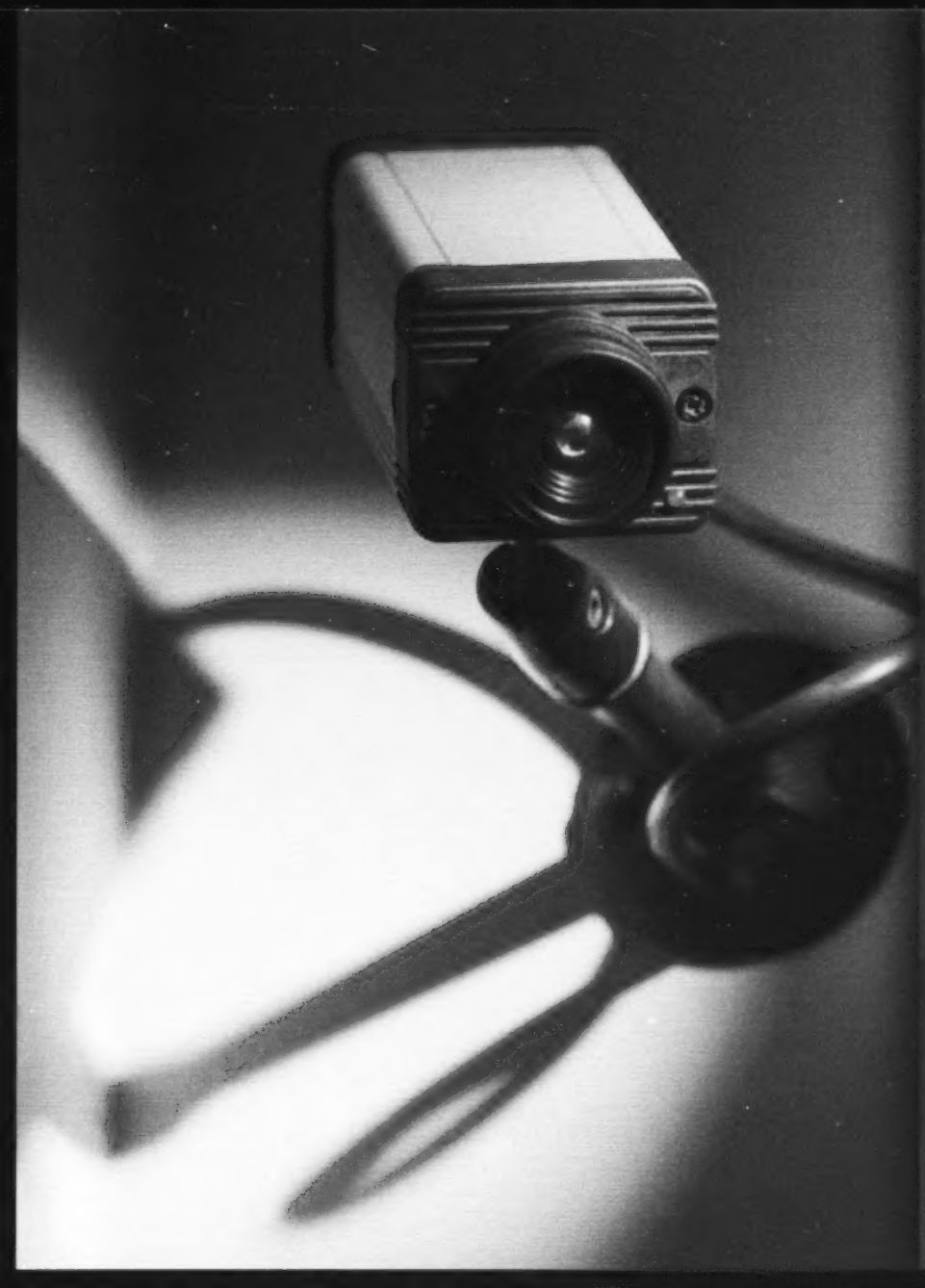
Table 4: Telephone Calls, Emails and Written Enquiries 2012-13

FOIP	Number	Percentage
Public Bodies	199	22%
Individuals	701	78%
Total	**900**	

HIA	Number	Percentage
Custodians	438	55%
Individuals	360	45%
Total	**798**	

PIPA	Number	Percentage
Organizations	756	33%
Individuals	1,567	67%
Total	**2,323**	

Non-jurisdictional	270
Total	**4,291**



Regulation
& Enforcement

Privacy Impact Assessment Reviews

A Privacy Impact Assessment (PIA) allows an entity to identify and mitigate privacy risks associated with a new initiative that collects, uses or discloses personal or health information.

Section 64 of HIA makes it mandatory for health custodians to submit PIAs to the Commissioner for review and comment before implementing these initiatives. In 2012-13, custodians submitted 399 PIAs to the Commissioner.

Under the FOIP Act, it is not mandatory for public bodies to prepare or submit a PIA to the OIPC. However, public bodies will submit PIAs and privacy scans (a shortened version of a PIA) to the OIPC for review and comment. In 2012-13, the OIPC received 21 PIAs from public bodies.

Once satisfied that the entity has addressed the relevant considerations and is committed to the provision of the necessary level of privacy protection, the Commissioner will 'accept' a PIA. Acceptance is not approval; it merely reflects the Commissioner's acceptance that the entity has made reasonable efforts to protect privacy. A PIA cannot be used to obtain a waiver of, or relaxation from, any requirement of the relevant legislation.

Of note, the OIPC accepted PIAs from Alberta Health Services for the Netcare Clinical Repository Project and the Provincial Health Information Exchange. With these two PIAs, the OIPC now has a comprehensive understanding of all health information systems that feed data into the Alberta Electronic Health Record (Alberta Netcare) and the infrastructure that allows these systems to work together.

See Appendix D for a complete listing of the PIAs accepted by the OIPC in 2012-13.

Mandatory Breach Reporting under PIPA

PIPA requires organizations to report a breach of personal information to the OIPC where the organization determines a real risk of significant harm exists to an individual as result of the loss of or unauthorized access to or disclosure of the personal information.

Section 37.1 of PIPA gives the Commissioner the power to require an organization to notify individuals upon determining that a real risk of significant harm exists to the individuals as a result of a breach. During 2012-13, the Commissioner issued 34 decisions requiring organizations to notify individuals under section 37.1.

The following is a summary of some of the types of breaches reported under PIPA and Commissioner's decisions regarding notification. (Decisions requiring organizations to notify individuals are available on the OIPC website at www.oipc.ab.ca).

Mailing errors and tax information

There continues to be a number of breaches reported around the time tax information is being mailed out. These incidents have generally involved individuals being mailed, in error, sensitive personal information of another individual, including social insurance numbers. It is often challenging to retrieve the information due to the volume of the mail outs and to control what happens to the information once it has been put in another individual's possession in error.

For example, an error in a mail production file caused the incorrect printing of addresses on 19 envelopes that contained RRSP information, including names, addresses, and social insurance numbers, of affected individuals. The highly sensitive nature of the personal information involved and the fact it was lost and not recovered created a likelihood that significant harm would result from the incident.

The Commissioner decided there was a real risk of significant harm and required the organization to notify the affected individuals. The organization had already notified the affected individuals and therefore was not required to notify them again.

Sun Life Assurance Company of Canada, P2013-ND-10; see also *MEGlobal Canada Inc.,* P2012-ND-15.

Human or system errors within an organization that expose sensitive employee information

There were a number of breaches that involved errors within organizations (human or system errors) that resulted in unauthorized access to or disclosure of sensitive employee information to others inside the organization.

For example, an employee inadvertently forwarded an email with an attached document containing the personal information of 104 individuals who were employed, or formerly employed, with the organization. It was determined that 32 affected individuals were at a real risk of significant harm from embarrassment, hurt, humiliation, and/or damage to reputation as the personal information involved benefit information regarding disabilities, resignation or termination information, or performance reviews. It was confirmed that other employees did access the information sent out in error. Due to the relationships and proximity of the affected individuals to those who were given unauthorized access to the personal information, the Commissioner decided that there was a real risk of significant harm to the affected individuals and required the organization to notify those individuals.

Law Society of Alberta, P2012-ND-10

Loss or theft of unencrypted laptops, portable storage devices

There were a number of breaches that concerned the loss or theft of personal information stored on unencrypted laptops or portable storage devices. The following example demonstrates that an organization may have policies about encryption but if they are not followed, serious and unfortunate consequences may occur.

A company laptop was stolen from an employee's home while the employee was working out of the country. The laptop was not encrypted and not recovered. The incident affected the personal information of 2,700 current and former employees of the organization and included name, address, social insurance number, date of birth, employment information including dates of hire or termination and compensation structure. The Commissioner considered the high sensitivity of the personal information involved, the fact the laptop was not encrypted, and the fact the laptop was stolen and not recovered. The Commissioner decided that there was a real risk of significant harm to the affected individuals for identity theft and fraud and required the organization notify the affected individuals. The notification sent by the organization prior to the Commissioner requiring the notification met the requirements under PIPA and therefore the organization was not required to notify the affected individuals again.

BP Canada Energy Corp. ULS, P2012-ND-29; see also *Investment Industry Regulatory Organization of Canada,* P2013-ND-25 and *Oil City Hospitality Inc.,* P2012-ND-24.

Unauthorized access to or hacking into servers or websites

There have also been a number of incidents involving hacks or unexplained access to servers or databases resulting in unauthorized access to personal information, including email addresses, passwords or credit card numbers.

For example, an organization was not able to determine how access was given to a significant number of email addresses that were entered on its website in relation to a contest. A number of affected individuals were subsequently spammed with unwanted email. The notification sent by the organization prior to the Commissioner requiring the notification did not meet the requirements under PIPA and, therefore, the organization was required to notify the affected individuals again.

The Brick Warehouse LP, P2012-ND-09

In another example, an organization's website was hacked resulting in access to 35,000 customer names, addresses, email addresses, phone numbers and passwords collected through the website, including that of 478 Albertans.

The hacker also published half of the information on a website that further exposed the information to an unknown number of unauthorized individuals. The Commissioner decided that there was a real risk of significant harm to the affected individuals as a result of this incident and required notification.

Billabong International Limited, P2012-ND-30; *see also UNIGLOBE Geo Travel*, P2012-ND-27.

Offence Investigation Leads to Charges under the Health Information Act

In October 2012, charges were laid under HIA, for the third time in the history of the Act.

As a result of a self-reported breach to the OIPC, the Commissioner opened an offence investigation into suspicious accesses to health information. Upon completion of the investigation, the matter was referred to the Crown prosecutors at Alberta Justice and Solicitor General.

A total of 34 charges were laid against an individual under HIA for improperly accessing other individuals' health information, inappropriate use of health information, inappropriate disclosure of health information, and knowingly falsifying a record. Six additional charges were laid under the *Criminal Code of Canada*.

The charges have yet to be proven in court and the maximum penalty for a first offence under the Act is $50,000 for each charge.

Investigation Report

Pharmacy collects too much health information

The OIPC investigated a complaint from an individual who felt that a pharmacy was collecting health information unnecessary for the purposes of his visit. The customer was required to complete a form asking if he suffered from "any condition that affected his immune system such as cancer, AIDS, etc." when he visited the pharmacy for a vitamin B12 injection.

HIA requires custodians to only collect the amount of health information essential to carry out the intended purpose.

The pharmacy acknowledged that there is no clinical need to collect this information for the health service being sought by the customer, although there are other drug and vaccine injections where the information is clinically relevant. The pharmacy accepted all of the investigator's recommendations for changes in practice and documentation surrounding the administration of injections.

Calgary Co-op Shawnessy Centre Pharmacy, Investigation Report H2012-IR-001

Summary of Significant Decisions

This section details some of the significant orders issued by the OIPC in 2012-13. Adjudicators exercise powers delegated from the Commissioner to conduct inquiries and issue orders under the FOIP Act, HIA and PIPA. Complete copies of the orders can be found on the OIPC website at www.oipc.ab.ca

Alberta Health ordered to release well water data

Under the FOIP Act, an applicant asked Alberta Health for well water information, which consisted of water chemistry and microbiological data along with the legal land descriptions associated with the wells in question. Alberta Health withheld the requested information under section 17(1) of the Act, on the basis that its disclosure would be an unreasonable invasion of the personal privacy of individuals who had submitted water samples for testing.

The Adjudicator found that the legal land descriptions, in conjunction with the water analyses, generally did not constitute anyone's personal information. Rather, the information was about land, property, wells and/or water. Section 17(1) therefore could not apply.

The Adjudicator found that a small number of the records would reveal personal information in instances where the water data indicated that groundwater was polluted or contaminated, and the source of the pollution or contamination could, by virtue of other available information, be traced to an identifiable individual. However, the Adjudicator found that disclosure would still not be an unreasonable invasion of personal privacy. This was because disclosure was likely to promote public health and safety and the protection of the environment, which outweighed the possibility that individuals supplied the water samples and their personal information in confidence. The Adjudicator further noted that an individual responsible for pollution or contamination would not be exposed unfairly to harm, or have his or her reputation unfairly damaged, if the fact that they had polluted or contaminated water was disclosed.

Alberta Health, Order F2012-14

Rental car agency must stop photocopying drivers licences

Three individuals renting cars from a Budget Rent-a-Car location in Calgary complained that the organization contravened PIPA when it photocopied their driver's licences and retained the copies. They also sought assurance that the organization had reasonable security arrangements in place to protect their information.

The Adjudicator found that Budget had failed to show that the photocopying of the licences was necessary for the organization to provide the service of renting vehicles, or that it had proper security arrangements in place. The Adjudicator concluded that photocopying was not reasonable, partly on the basis of the potential for such information to be used for identity theft. Budget was ordered to stop making photocopies of drivers' licences and to destroy any existing copies in its possession.

Budget Rent-A-Car of Calgary (1968) Ltd. (46508 Alberta Ltd.), Order P2012-10

FOIP Act applies to access request for records relating to a paternity test

An applicant requested access to records containing information about a paternity test she and her former husband (now deceased) had undergone in relation to her daughter. She also requested access to the DNA samples themselves. Alberta Health

Services decided that HIA applied to the access request. It denied the request on the basis that the paternity test contained the health information of two individuals other than the applicant.

Before the inquiry, the Adjudicator raised the issue of whether the FOIP Act applied to the applicant's access request. The Adjudicator decided that HIA did not apply because providing a paternity test is not a health service under HIA. She also decided that the FOIP Act applied to any paper and electronic records located by AHS. However, the Adjudicator determined that DNA samples are not records under the FOIP Act.

The Adjudicator found that it would not be an unreasonable invasion of the former husband's personal privacy to disclose the results of the paternity test. In making this determination, the Adjudicator took note of the fact that the former husband was deceased and that there was evidence that he had intended the applicant to see the results of the paternity test.

Alberta Health Services, Order F2012-25 / H2012-02

Edmonton Police Service ordered to reconsider decision to withhold disciplinary hearing decisions

When the Edmonton Police Service (EPS) discontinued its policy of posting copies of disciplinary decisions involving its members on its website, the applicant made a continuing FOIP request for copies of such decisions, beginning from the time EPS had stopped posting them. EPS provided records to the applicant, but severed large portions on the basis that disclosure would be an unreasonable invasion of the personal privacy (section 17 of the FOIP Act).

The Adjudicator found that in its decision as to whether to withhold or disclose the records responsive to the request, EPS had not taken into account all the factors that are relevant to the question, most notably the factor that the disciplinary decisions in this inquiry were read aloud, publicly, at the conclusion of the hearings. The Adjudicator asked EPS to reconsider its decision, taking all relevant factors into account.

Edmonton Police Service, Order F2013-01

Legal Aid Society subject to PIPA as carrying on commercial activity

An individual asked the Commissioner to review The Legal Aid Society of Alberta's response to the individual's request for access to information. A preliminary issue was whether the Society was subject to PIPA, given that it is a non-profit organization. PIPA has a limited application to non-profit organizations, as defined in the Act, in that it applies only in the case of personal information that is collected, used or disclosed by them in connection with a "commercial activity."

The Adjudicator found that when the Society collected, used and disclosed the individual's personal information, it did so in connection with a commercial activity. In particular, the Society carries out a commercial activity when it assesses individuals for legal aid coverage, arranges for legal aid services to be provided by lawyers in private practice, and provides legal aid services through its staff lawyers. This is the case whether or not the individual pays or partly pays for the services. Since PIPA applied to the actions of the Society, the Adjudicator had jurisdiction to review the matters raised in the individual's request for review.

The Legal Aid Society of Alberta, Decision P2013-D-01

Service Alberta ordered to increase monitoring of registry employees' access to MOVES database

An Adjudicator determined that an employee of Sentinel Registry Ltd. had accessed and disclosed an individual's personal information from Alberta's Motor Vehicles Information System (MOVES) without authorization, and contrary to Service Alberta's policies and procedures.

The Adjudicator found that while Service Alberta took measures to ensure that Sentinel Registry employees understood its policies and requirements, it had not taken adequate measures to monitor the manner in which Sentinel Registry employees accessed personal

information from the MOVES database. The Adjudicator ordered Service Alberta to take proactive measures to monitor Sentinel Registry employees' access of the MOVES database.

This case marks a change in the interpretation of section 4(1)(l) (vii) of the FOIP Act. Prior OIPC decisions have held that the information in the MOVES database is exempt from the application of the FOIP Act. This case holds that information in the MOVES database is subject to the FOIP Act, but records made from the information, such as driver abstracts, are exempt.

Service Alberta, Order F2013-06

Doctor met HIA obligations in data transfer

A doctor manually transcribed his patients' chart notes from his pen computer onto his tablet computer and then had his pen computer re-formatted and disposed of. When the applicant requested a copy of her original chart eight years later, the doctor provided a print-out from his tablet. The applicant believed that her original chart did exist, or if it had been destroyed, that the doctor had not met his obligations to protect the information. The applicant also argued that the doctor should have submitted a Privacy Impact Assessment (PIA) when he did the transfer.

The Adjudicator found that since the data on the pen computer had been destroyed, the original chart no longer existed. The Adjudicator also found that, while the doctor had made typographical errors when transcribing the notes, he had met his obligations to protect against the applicant's health information being lost and to ensure its accuracy and completeness. It was further found that a PIA was not necessary in this instance.

Dr. Mohamed Abdel-Keriem, Order H2013-01

Judicial Reviews and Other Court Decisions

University of Alberta v. Alberta (Information and Privacy Commissioner)

2012 ABQB 247 – Judicial Review of Order F2009-023

The applicant made an access request under the FOIP Act for email communications between a member of the Social Sciences and Humanities Research Council (SSHRC) Selection Committee No. 15 and other SSHRC officials. The University of Alberta conducted a search for records and responded that it could not locate any records. The applicant requested a review of the adequacy of the University's search for records.

At inquiry, the University argued that (1) it did not have custody or control of the records of its professors when they are acting as members of the SSHRC Selection Committee; and (2) it had searched for the responsive records, the records had been deleted, and it was not possible to restore the records. The Adjudicator held that the University would have custody of any responsive records on its servers if any such records existed but that any potentially responsive records had been destroyed. The Adjudicator also held that the University met its duty to conduct an adequate search for responsive records and, although the University did not initially respond openly, accurately and completely to the applicant, it did so in the course of the inquiry.

On judicial review of Order F2009-023 brought by the University, the Court of Queen's Bench held that the University would not have custody or control of emails created or received in relation to a SSHRC grant application. The Court's view was that SSHRC exercised a greater degree of control over the records than the University. The Court granted the University's judicial review application and quashed Order F2009-023.

Association of Academic Staff of the University of Alberta v. University of Alberta

2012 ABQB 248 – Judicial Review of Order F2009-023

The Association of Academic Staff of the University of Alberta (AASUA), a non-party to Order F2009-023, applied for judicial review of Order F2009-023 on the ground of procedural unfairness. AASUA argued that it should have been named as an affected party in the inquiry resulting in Order F2009-023, since it was affected by the request for access to email records of one of its members. AASUA also argued that it was affected by the Adjudicator's interpretation of the Faculty Agreement.

The Court of Queen's Bench held that AASUA was not affected by the access request since it had no interest in the records, it did not create the records, and its operations were not affected by the records.

Furthermore, the Court said that the duty of fairness was triggered when a decision is administrative and affects the rights, privileges or interests of an individual. This case was a question of whether the University met its obligations to assist an applicant requesting access to records. The Court held that AASUA's interests were not affected. The Court also held that the Adjudicator's interpretation of the Faculty Agreement was not binding except for future access requests under the legislation, and that was not sufficient to affect AASUA's rights, privileges or interests. The Court dismissed AASUA's judicial review application.

United Food and Commercial Workers, Local 401 v. Alberta (Attorney General)

2012 ABCA 130 – Appeal of 2011 ABQB 415, which partially quashed Order P2008-008 on constitutional grounds

The Court of Queen's Bench partially quashed Order P2008-008, on the grounds that section 4(3)(c) of the PIPA and section 7 of the PIPA Regulation violated the Union's freedom of speech under section 2(b) of the *Canadian Charter of Rights and Freedoms* (the Charter).

Alberta Justice appealed the decision of the Court of Queen's Bench. The Court of Appeal held that:

- the Union's right to free expression under section 2(b) of the Charter and the infringement of that right arising from PIPA could not be justified under the tests set out in *R. v. Oakes*.
- the Adjudicator's decision was unreasonable because its effect on the Union's expressive rights was disproportionate.
- it was within the mandate of the Legislature to decide what amendments were required to PIPA in order to bring it in line with the Charter.

Rather than declare that parts of PIPA were unconstitutional, the Court of Appeal issued a declaration that the application of PIPA to the Union's activities was unconstitutional.

The Information and Privacy Commissioner and Alberta Justice applied for leave to appeal to the Supreme Court of Canada from 2012 ABCA 130. Leave to appeal was granted: 2012 SCC No. 34890, October 25, 2012.

Bonsma v. Alberta (Information and Privacy Commissioner)

2012 ABQB 294 – Judicial Review of Order F2010-029

The applicant applied to Alberta Employment and Immigration (AEI) for access to complaints made against his former employer under the *Employment Standards Code*. AEI withheld the information under section 16(1) (business information) and section 17(1) (personal information) of the FOIP Act.

At inquiry, the Adjudicator held that section 16(1) and section 17(1) did not apply, and ordered AEI to disclose the records to the applicant.

The Adjudicator also held that AEI met its duty to assist the applicant (section 10(1)). The Adjudicator further held that, although AEI had not met its duty under section 12(1) to fully describe or classify the records being withheld from the Applicant, it did so in the inquiry.

On judicial review of Order F2010-029 brought by the applicant, the Court of Queen's Bench declined to hear the judicial review on the ground of mootness. The Court agreed that the core of the judicial review application was the applicant's dissatisfaction with the Adjudicator's reasons, which are not themselves subject to judicial review absent a challenge to the decision. Here, the applicant was not challenging the decision granting him

access to the records. The Court declined to exercise its discretion to decide the moot application, and dismissed the judicial review application as moot.

Agriculture Financial Services Corporation v. Alberta (Information and Privacy Commissioner)

2012 ABQB 397 - Judicial Review of Order F2010-030

The applicant requested access to the names of Alberta Producers who were issued payments, and the amount of payment issued, under the Alberta Farm Recovery Plan and the Alberta Farm Recovery Plan II. The Agriculture Financial Services Corporation (the Corporation) withheld the information under section 16 (business information) and section 17 (personal information) of the FOIP Act.

The Adjudicator held that the names of the Alberta Producers and the amounts issued to those producers were not "personal information" as defined in section 1(n) of the FOIP Act. Therefore, section 17 did not apply to the information. The Adjudicator also held that the release of the information could not reasonably be expected to significantly harm the competitive position of third parties under section 16(1)(c)(i) or result in similar information no longer being supplied to the Corporation under section 16(1)(c)(ii).

On judicial review of Order F2010-030 brought by the Corporation, the Court of Queen's Bench held that the Adjudicator's reasons demonstrated that both the process that was followed to decide the issues and the outcome itself were transparent; that the Adjudicator took into account the context of the evidence and the submissions of the parties; and that the reasons were intelligible and contained more than adequate justification for the outcome.

The Court further said that it was not the Court's role on judicial review to re-assess the evidence or its sufficiency. If there is a reasonable basis upon which the Adjudicator reached her conclusions and findings of fact, the decision will be found to be reasonable. The Court found that the Adjudicator's findings were reasonable, and dismissed the judicial review application.

Edmonton Police Service v. Alberta (Information and Privacy Commissioner)

2012 ABQB 595 - Judicial Review of Order F2008-027

The applicant requested access to a copy of the Professionalism Committee Final Report (the Report) from the Edmonton Police Service (EPS). EPS initially relied on the "advice from officials" provision of the FOIP Act (section 24) to refuse to disclose the Report, but later changed its mind and disclosed most of the Report. EPS decided to rely on the intergovernmental relations provision of the FOIP Act (section 21) to refuse to disclose certain information in the Report that had been supplied by Alberta Justice and Attorney General, the Edmonton Police Commission, the Vancouver Police Department (VPD) and the Toronto Police Service (TPS).

The Adjudicator held that section 21(1)(b) did not apply to the withheld information since the information had not been supplied in confidence. She further decided that, for section 21(1)(b) to apply, the information must be supplied to a representative of the Government of Alberta, and that the Government of Alberta cannot supply information for the purposes of section 21(1)(b). Since section 21(1)(b) did not apply, she ordered EPS to give access to the information.

On judicial review of Order F2008-027 brought by EPS, the Court of Queen's Bench dealt with a preliminary issue about sealing the records that were the subject of the access request. The Court agreed that section 59(3)(a) of the FOIP Act mandated sealing those records and documents that would reveal the content of those records.

The Court held that the Adjudicator's finding that the information was not supplied in confidence was a reasonable decision based on the law and the evidence before her. As a result of that finding, none of the information came within the scope of section 21(1)(b). Therefore, it was not necessary to review the alternative ground as to what entities came within the scope of section 21(1)(a) and (b), and the Court declined to do so.

EPS also alleged breaches of procedural fairness on the basis that the Adjudicator (i) referred to a national media report, without giving the parties an opportunity to respond; and (ii) did not contact or notify the two potential affected parties that EPS had identified (the VPD and the TPS). EPS had itself notified the VPD and the TPS about the inquiry, and had informed the Adjudicator that it notified them.

The Court said that a proceeding before an administrative decision-maker need not be absolutely perfect in order for it to comply with the duty of substantive or procedural fairness. The Court found that it was very significant that the EPS had told the Adjudicator that it had notified both police services. The VPD decided to participate in the inquiry, but the TPS did not. If lack of notice to the TPS were a defect, the Court was not satisfied that it raised a serious possibility of prejudice to EPS since EPS had its own opportunity to present evidence and make submissions.

Finally, the Adjudicator's reference to a national media report, without giving the parties an opportunity to respond, was a statement of general knowledge that the Court found did not raise a serious possibility of prejudice to EPS. The Court dismissed the judicial review application.

David Leung v. Information and Privacy Commissioner and Holy Family Catholic Regional Division No. 37

Oral decision of Macklin, J. issued on October 25, 2012, upholding Order F2012-01 (Court File Number 1203 03564)

Holy Family Catholic Regional Division No. 37 (the Division) disclosed the complainant's name and age to the RCMP when it alerted the RCMP to a meeting that the Division was having with the complainant, whom it felt was a disgruntled employee.

The Adjudicator held that the Division had the authority to disclose the complainant's personal information for an authorized purpose under section 40(1)(ee) of the FOIP Act, which provides that a public body may disclose personal information if the head of the public body believes, on reasonable grounds, that the disclosure will avert or minimize an imminent danger to the health or safety of any person.

The Adjudicator also held that the Division disclosed personal information only to the extent necessary to enable the Division to carry out that authorized purpose, as provided by section 40(4) of the FOIP Act. Therefore, the Adjudicator concluded that the Division had not contravened the FOIP Act.

On judicial review of Order F2012-01 brought by the complainant, the Court of Queen's Bench held that the Adjudicator's decision in all respects met the standards of justification, transparency and intelligibility and fell within a range of outcomes defensible in respect of the evidence before him. The Court said that the Adjudicator assessed the evidence before him and reached a conclusion that was reasonable concerning the application of section 40(1)(ee). The Court dismissed the judicial review application.

Oleynik v. University of Calgary

2013 ABCA 105 – Appeal of 2012 ABQB 189, which upheld Order F2009-022

The Adjudicator found that the University of Calgary had met its duty to assist the applicant under section 10(1) of the FOIP Act when it responded that no email communications had been created or received in relation to the applicant's Social Sciences and Humanities Research Council grant application.

On judicial review of Order F2009-022, the Court of Queen's Bench held that the standard of review for the Adjudicator's decision was reasonableness, and that the applicant had not established that the Adjudicator's decision was unreasonable.

On the applicant's appeal, the Court of Appeal held that it was in substantial agreement with the reasons of the Chambers judge for rejecting the Applicant's arguments, and dismissed the appeal.

Amicus Presentation

The OIPC was given a unique opportunity to act as a friend of the court when it was invited to present information on privacy legislation and the interplay of the FOIP Act and PIPA in a matter before the Alberta Queen's Bench (Masters' Chambers) to which the OIPC was not a party.

Education & Outreach

The mandate of the OIPC includes a strong commitment toward education and outreach. From publications to presentations and consultations, the Office continues to raise public awareness of the access to information and privacy rights under the Acts, provide guidance and direction to stakeholders to enhance compliance, and facilitate opportunities for the public and stakeholders to comment on the administration of the Acts, OIPC processes, and access and privacy issues in general.

The following are highlights of the publications, presentations, conferences, workshops, educational forums and other information pieces undertaken in 2012-13.

Surveys

In 2012-13, the OIPC commissioned two surveys to obtain feedback from Albertans and stakeholders about:

- the implementation of access and privacy programs in Alberta;
- Albertans' awareness of access and privacy laws and their rights under those laws;
- awareness of the OIPC and its role;
- the efficiency and effectiveness of OIPC processes; and
- the access and privacy issues of most concern.

The results give a picture of the current state of access to information and privacy in Alberta and will act as benchmarks for future surveys. Survey results will also help inform the OIPC's business plan by identifying educational opportunities and areas for improvement in OIPC processes. Complete survey results are available on the OIPC website at www.oipc.ab.ca.

General Population Survey

Eight hundred randomly selected residents across Alberta were surveyed by telephone in March 2013.

Ninety-seven per cent (97%) of the respondents believe it is important to protect the privacy of personal information; however, only 39% feel secure about the privacy of their own personal information. Respondents also believe it is important to protect the right of access to information (93%) but only 38% were confident about their own ability to do so.

The vast majority of respondents said that hacking, identity theft and fraud were the issues that matter most to them. Other areas of concern include misuse of personal information by authorized users and the privacy of children and youth.

A majority of respondents (54%) had heard of the OIPC but only 47% knew they could file a complaint with the Office about the collection, use or disclosure of their personal or health information. Less than one-third (30%) knew they could ask the OIPC to review a response they had received to their request for access to information.

Sixty-two per cent (62%) reported that they would like to be more informed about the Commissioner's Office.

Stakeholder Survey

An online survey of stakeholders was conducted from mid-August to mid-October, 2012

The stakeholders included in the survey were drawn from public bodies subject to the FOIP Act, private sector organizations and representative associations subject to PIPA and representatives of the health custodians subject to HIA. The *Stakeholder Survey* received 227 responses.

Results from the survey show that significant work has been done by stakeholders to establish access and privacy programs; however, areas of weakness include proactive auditing to identify compliance issues, developing access and privacy training and education programs, establishing breach response protocols, and managing service providers.

Of the respondents who had participated in an OIPC investigation/mediation or inquiry, they most frequently felt the processes were fair (63%, 48%) and transparent (56%, 41%). Suggestions for improving the processes included reducing the time it takes to complete an investigation or inquiry.

Keeping employees trained (15%) and accommodating new technology growth (12%) were the most frequently mentioned challenges facing organizations in the next three years. The most frequently mentioned access and privacy issues of importance were: rapid growth of technology (67%), mobile device security (66%), hacking, identify theft or fraud (63%), open government (61%) and the misuse of personal information by internal or authorized users (53%).

General Population Survey

97% of respondents believe protecting the privacy of personal information is important

93% of respondents believe protecting the right to access information is important

62% of respondents would like to know more about the OIPC

Publications

A Snapshot: Two Years of Mandatory Breach Reporting under PIPA

On May 1, 2010, mandatory breach reporting under PIPA came into effect. Private sector organizations are required to report to the Commissioner any personal information breach that presents a real risk of significant harm. The Commissioner has the power to require organizations to notify affected individuals. Alberta is the only jurisdiction in Canada that requires private sector organizations to report certain breaches to the Commissioner.

In June 2012, the OIPC published a report detailing the results of two years of mandatory breach reporting to the OIPC (May 1, 2010 to April 30, 2012) and providing insight into the causes of breaches and how organizations are responding. The report is also a resource for organizations to recognize areas of risk and how to prevent breaches from occurring.

Highlights of the report include:

- During the two year period examined, the OIPC received 151 breach reports.
- Sixty-three of those breaches involved a real risk of significant harm to an individual, requiring notification of the individuals affected.
- The majority of the reported breaches involved human error, such as misdirected emails and faxes; lost or stolen unencrypted electronic devices; and improper record and electronic media destruction.
- Organizations take breaches seriously and are developing proper policies, procedures and security arrangements for personal information, but there is still a lot of work to be done.

Alberta Netcare: Know Your Rights

The OIPC undertook a new initiative to raise patients' awareness of their ability to take control of their health information in the provincial electronic health record system, known as Alberta Netcare. The initiative was launched as part of Data Privacy Day 2013.

The online and print materials highlight the six basic rights every patient has in relation to Alberta Netcare and how to exercise them. These rights are:

- to know why your health information is collected;
- to know what's in Alberta Netcare about you and ask for a print-out;
- to limit access to your Alberta Netcare record by asking for your information to be 'masked';
- to know who has looked at your information in Alberta Netcare;
- to ask that errors be corrected; and
- to ask the Information and Privacy Commissioner to review or investigate if you are not satisfied with a decision or response you receive about any of these rights.

Guidelines for Health Custodians for Electronic Communications

HIA Practice Note 5 and the related *Frequently Asked Questions about Email Communications* outline the risks involved in electronic communication and the measures that health custodians should take to protect the privacy and confidentiality of health information if that information is being transmitted via email.

Collaboration with Other Jurisdictions

The OIPC continued its long-standing collaboration with the Office of the Privacy Commissioner of Canada and the Office of the Information and Privacy Commissioner for British Columbia to develop educational publications for private sector organizations. The work is part of the larger scope of activities the Offices undertake in accordance with the Memorandum of Understanding signed by the Commissioners.

Getting Accountability Right with a Privacy Management Framework

This guidance document stems from global initiatives to promote organizational accountability, i.e. the acceptance of responsibility for personal information protection. An accountable organization must have in place appropriate policies and procedures that promote good practices which, taken as a whole, constitute a privacy management program.

The guidelines provide organizations with building blocks to develop a privacy management program that respects Canadian privacy laws, and discuss how to maintain and improve a privacy management program on an ongoing basis. While this document is geared towards private sector organizations, it can be applied to all sectors.

Guidelines on Cloud Computing for Small- and Medium-Sized Enterprises

Cloud computing is a widely popular method for storing and accessing data that may be particularly attractive to small- and medium-sized businesses because of the cost savings and reduced IT complexity.

This guidance document assists small- and medium-sized businesses to understand what their privacy responsibilities are and offers some suggestions to address privacy considerations in the cloud.

Seizing Opportunity: Good Privacy Practices for Developing Mobile Apps

As more and more mobile apps appear every day, it is important to realize the potential privacy issues associated with collecting data from users. This publication looks at the privacy principles all app developers should keep in mind when designing and developing apps.

Presentations

The Commissioner and staff undertook 87 presentations and speaking engagements, provincially and nationally, over the past year. The topics covered the application of the FOIP Act, HIA and PIPA, OIPC activities, and emerging trends and issues in access and privacy.

"Privacy and social media" continued to be a hot topic, with the Office providing presentations on four occasions to different organizations, drawing their attention to the *OIPC Guidelines for Social Media Background Checks*, published in December 2011.

The decision of the Supreme Court of Canada in *R. v. Cole* (2012 SCC 53) raised interest in the issue of the reasonable expectation of privacy employees may have in information contained on their work-issued computers.

The education of young Albertans about information and privacy continued to be a priority, with the Office participating monthly in the Legislative Assembly of Alberta's *School at the Legislature* program.

The OIPC participated in the National Neurological Symposium and in the development of the related *Canadian Neurological Registry Best Practice Guidelines and Toolkit*, a national guideline for researchers using health information.

The Office continued its support of the University of Alberta's annual Access and Privacy Conference with participation on the Advisory Committee and conducting presentations at the event.

Stakeholders were also engaged through "brown bag lunch" presentations on cloud computing, and regular network meetings.

PIPA Conference 2012: Privacy on the Go

In November 2012, the Commissioner and her BC counterpart co-hosted the 7th Annual PIPA Conference. The two-day conference, held in Calgary, provided private sector representatives with timely and relevant information on emerging privacy issues and practical tips and solutions to real-world privacy challenges.

The conference included the following keynote speakers:

- Honourable Manmeet Bhullar, Minister of Service Alberta;
- Joe Alhadeff, Vice-President for Global Public Policy and Chief Privacy Officer, Oracle Corporation ("Big Data: What it is, What it is not, and What it could be");
- Fred Cate, Professor and Director of the Centre of Applied Cybersecurity Research at Indiana University ("Growing Importance and Irrelevance of Data Protection Law").

Topics covered at the Conference included:

- Mobile Devices: The Data has Left the Building;
- Social Media: The Not-So-Secret Life of a Privacy Officer;
- Getting it Right with a Privacy Management Program;
- Employment Screening and Criminal Records Checks; and
- New Privacy Challenges for E-marketing.

Right to Know 2012: Openness and Transparency — From Concept to Reality

Right to Know is an annual global event to raise awareness of an individual's right to access government information while promoting freedom of information as essential to democracy and good governance.

In recognition of Right to Know, the Commissioner hosted one-day forums in Calgary (September 25, 2012) and Edmonton (September 27, 2012) to showcase some of the initiatives undertaken in Alberta to make information more accessible to the public. The forums provided a unique opportunity for representatives to hear from their public and health sector colleagues about the challenges faced and "lessons

learned" in implementing an open data/ open government policy or program. Presentations were made by Alberta Environment and Sustainable Resources, Alberta Health, Alberta Health Services, Alberta Human Services, and the Calgary Police Service.

Data Privacy Day

Commemorated globally on January 28th each year, Data Privacy Day highlights the privacy rights of individuals and promotes the protection of personal information.

To celebrate Data Privacy Day, the Commissioner hosted a morning forum on privacy rights and protection in the public, private and health sectors. Topics addressed included:

- Alberta Netcare: Know Your Rights
- The Supreme Court of Canada and Privacy in Workplace Computers
- Emerging Trends and Issues in Data Privacy in the Public Sector
- The Meaning of Accountability in the Privacy Sector Context

Western Canada Health Information Privacy Symposium: Health Information Privacy - Who Cares?

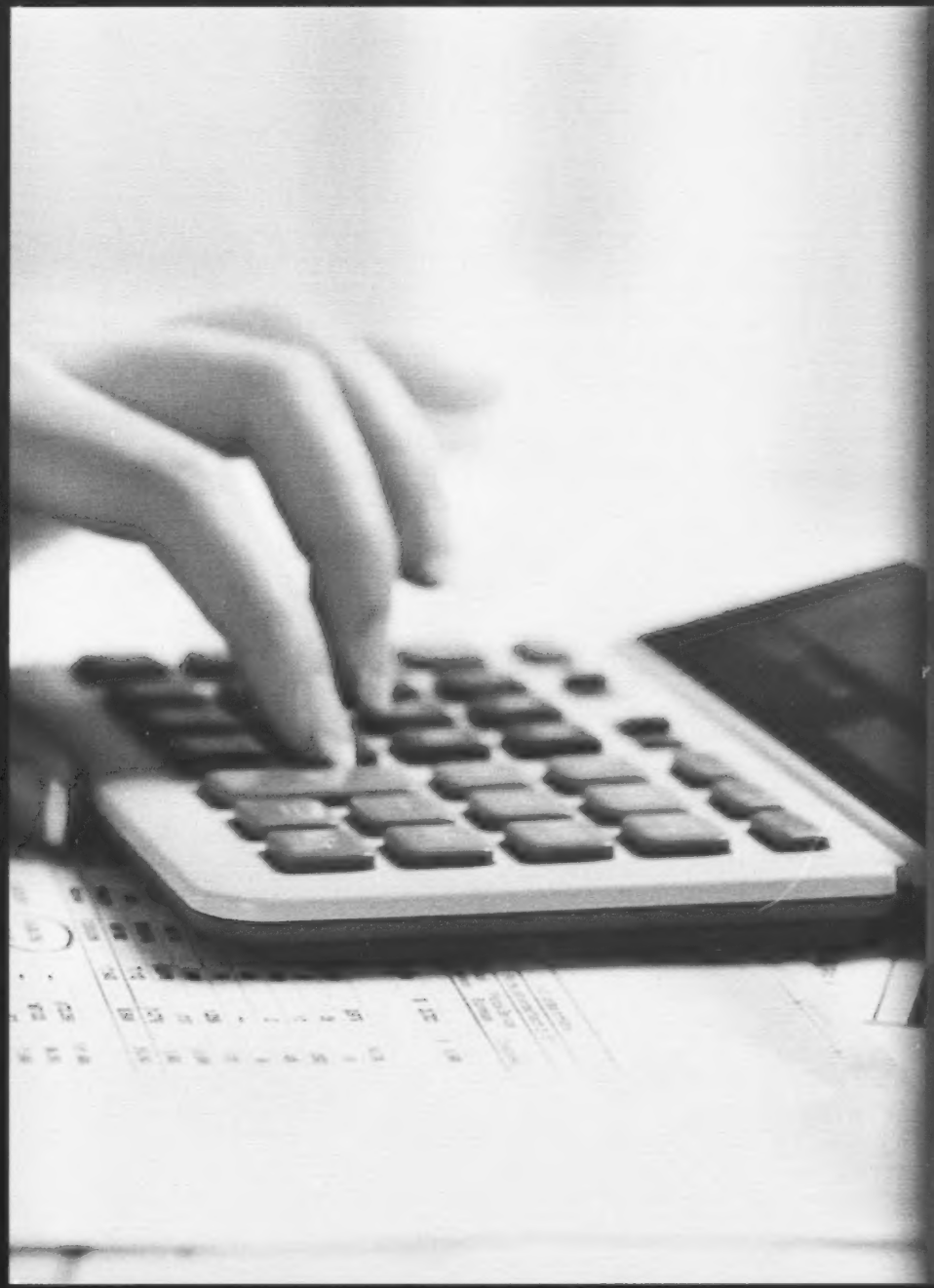
Co-hosted by the Commissioner and her BC, Saskatchewan and Manitoba counterparts, the two-day symposium provided health professionals and administrators with an opportunity to learn how individuals and organizations in the four western provinces successfully addressed common health information privacy issues and challenges. The themes of the symposium were:

- Practical guidance on implementing health privacy in your organization
- Maintaining successful health privacy operations, dealing with breaches and other challenges
- Advanced topics, including cross jurisdictional privacy issues, emerging trends and technologies and health information privacy and research

Media Enquiries

The OIPC responded to more than 80 media enquiries during 2012-13. The issues receiving significant media attention included:

- OIPC's announcement of its investigation into the Edmonton Police Service's warrant initiative, known as Project OWE
- OIPC's announcement of its investigation into the Shaw Court Building fire in Calgary, which affected computer systems holding personal, health and financial information of Albertans
- Newspapers Canada's 2012 National Freedom of Information (FOI) Audit and the grades given to the province and municipalities regarding their speed and efficiency for processing access requests and the amount of information released
- Edmonton Police Service's announcement that a small number of officers would begin testing Body Worn Video cameras in the course of their regular duties
- Oil City Hospitality Group notifying employees of a possible privacy breach through a newspaper notice
- Charges being laid under the *Health Information Act*
- OIPC ordering Budget-Rent-A-Car of Calgary (1968) Ltd. to stop photocopying drivers' licences



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AUDITOR GENERAL *Alberta*

Independent Auditor's Report

To the Members of the Legislative Assembly:

Report on the Financial Statements

I have audited the accompanying financial statements of the Office of the Information and Privacy Commissioner, which comprise the statement of financial position as at March 31, 2013, and the statements of operations and cash flows for the year then ended, and a summary of significant accounting policies and other explanatory information.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with Canadian public sector accounting standards, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

My responsibility is to express an opinion on these financial statements based on my audit. I conducted my audit in accordance with Canadian generally accepted auditing standards. Those standards require that I comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Opinion

In my opinion, the financial statements present fairly, in all material respects, the financial position of the Office of the Information and Privacy Commissioner as at March 31, 2013, and the results of its operations and its cash flows for the year then ended in accordance with Canadian public sector accounting standards.

Original signed by
Merwan N. Saher, FCA

Auditor General
August 29, 2013
Edmonton, Alberta

Office of the Information and Privacy Commissioner

Statement of Operations

Year ended March 31, 2013

	2013 Budget	2013 Actual	2012 Actual
Revenues			
Prior Year Expenditure Refund	$ -	$ 22,972	$ 1,431
Other Revenue	-	1,206	631
	-	24,178	2,062
Expenses - Directly Incurred (Note 3b)			
Salaries, Wages, and Employee Benefits	$ 5,046,000	$ 5,030,618	$ 4,460,314
Supplies and Services	1,192,000	1,136,345	1,064,515
Amortization of Tangible Capital Assets	57,000	55,550	47,131
Total Expenses	6,295,000	6,222,513	5,571,960
Net Operating Results	$ (6,295,000)	$ (6,198,335)	$ (5,569,898)

The accompanying notes and schedules are part of these financial statements.

Financial Statements

Office of the Information and Privacy Commissioner

Statement of Financial Position

As at March 31, 2013

	2013	2012
Assets		
Cash	$ 100	$ 100
Accounts Receivable	3,187	45
Prepaid Expenses	765	7,510
Tangible Capital Assets (Note 4)	176,107	217,053
	$ 180,159	$ 224,708
Liabilities		
Accounts Payable and Accrued Liabilities	$ 222,831	$ 120,429
Accrued Vacation Pay	446,585	408,129
	669,416	528,558
Net Liabilities		
Net Liabilities at Beginning of Year	(303,850)	(542,149)
Net Operating Results	(6,198,335)	(5,569,898)
Net Financing Provided from General Revenues	6,012,928	5,808,197
	(489,257)	(303,850)
	$ 180,159	$ 224,708

The accompanying notes and schedules are part of these financial statements.

Office of the Information and Privacy Commissioner

Statement of Cash Flows

Year ended March 31, 2013

	2013	2012
Operating Transactions		
Net Operating Results	$ (6,198,335)	$ (5,569,898)
Non-cash Items Included in Net Operating Results		
Amortization of Tangible Capital Assets	55,550	47,131
Loss on Disposal of Tangible Capital Assets	1,260	622
	(6,141,525)	(5,522,145)
(Increase) Decrease in Accounts Receivable	(3,142)	1,360
Decrease (Increase) in Prepaid Expenses	6,745	(3,449)
Increase (Decrease) in Accounts Payable	140,858	(204,930)
Cash Applied to Operating Transactions	(5,997,064)	(5,729,164)
Capital Transactions		
Acquisition of Tangible Capital Assets	(15,864)	(79,033)
Financing Transactions		
Net Financing Provided From General Revenues	6,012,928	5,808,197
Cash, Beginning of Year	100	100
Cash, End of Year	$ 100	$ 100

The accompanying notes and schedules are part of these financial statements.

Office of the Information and Privacy Commissioner

Notes to the Financial Statements

Year ended March 31, 2013

Note 1 Authority

The Office of the Information and Privacy Commissioner (the Office) operates under the authority of the *Freedom of Information and Protection of Privacy Act*. The net cost of the operations of the Office is borne by the General Revenue Fund of the Province of Alberta. Annual operating budgets are approved by the Standing Committee on Legislative Offices.

Note 2 Purpose

The Office of the Information and Privacy Commissioner provides oversight on the following legislation governing access to information and protection of privacy:

Freedom of Information and Protection of Privacy Act
Health Information Act
Personal Information Protection Act

The major operational purposes of the Office of the Information and Privacy Commissioner are:

- To provide independent reviews of decisions made by public bodies, custodians and organizations under the Acts and the resolution of complaints under the Acts;
- To advocate protection of privacy for Albertans; and
- To promote openness and accountability for public bodies.

Note 3 Summary of Significant Accounting Policies and Reporting Practices

These financial statements are prepared in accordance with Canadian Public Sector Accounting Standards.

a) Reporting Entity

The reporting entity is the Office of the Information and Privacy Commissioner (the Office), for which the Information and Privacy Commissioner is responsible.

The Office operates within the General Revenue Fund (the Fund). The Fund is administered by the President of Treasury Board and Minister of Finance. All cash receipts of the Office are deposited into the Fund and all cash disbursements made by the Office are paid from the Fund. Net Financing provided from General Revenues is the difference between all cash receipts and all cash disbursements made.

Office of the Information and Privacy Commissioner

Notes to the Financial Statements *(continued)*

Year ended March 31, 2013

b) Basis of Financial Reporting

Revenues

All revenues are reported on the accrual basis of accounting.

Expenses

Directly Incurred

Directly incurred expenses are those costs the Office has primary responsibility and accountability for, as reflected in the Office's budget documents.

In addition to program operating expenses such as salaries, supplies, etc., directly incurred expenses also include:

- Amortization of tangible capital assets;
- Pension costs, which are the cost of employer contributions for current service of employees during the year; and
- Valuation adjustments which represent the change in management's estimate of future payments arising from obligations relating to vacation pay.

Incurred by Others

Services contributed by other entities in support of the Office's operations are not recognized and are disclosed in Schedule 2.

Assets

Financial assets are assets that could be used to discharge existing liabilities or finance future operations and are not for consumption in the normal course of operations. Financial assets of the Office are limited to financial claims, such as receivables from other organizations.

Tangible capital assets of the Office are recorded at historical cost and are amortized on a straight-line basis over the estimated useful lives of the assets. The threshold for tangible capital assets is $5,000.

Office of the Information and Privacy Commissioner

Notes to the Financial Statements *(continued)*

Year ended March 31, 2013

Liabilities

Liabilities are recorded to the extent that they represent present obligations as a result of events and transactions occurring prior to the end of the fiscal year. The settlement of liabilities will result in sacrifice of economic benefits in the future.

Net Liabilities

Net liabilities represent the difference between the Office's liabilities and the carrying value of its assets.

Canadian Public Sector Accounting Standards require a "net debt" presentation for the statement of financial position in the summary financial statements of governments. Net debt presentation reports the difference between financial assets and liabilities as "net debt" or "net financial assets" as an indicator of the future revenues required to pay for past transactions and events. The Office operates within the government reporting entity, and does not finance all its expenditures by independently raising revenues. Accordingly, these financial statements do not report a net debt indicator.

Valuation of Financial Assets and Liabilities

Fair value is the amount of consideration agreed upon in an arm's length transaction between knowledgeable, willing parties who are under no compulsion to act.

The fair values of Cash, Accounts Receivable, Accounts Payable and Accrued Liabilities are estimated to approximate their carrying values because of the short term nature of these instruments.

Office of the Information and Privacy Commissioner

Notes to the Financial Statements *(continued)*

Year ended March 31, 2013

Note 4 Tangible Capital Assets

	Office equipment and furniture	Computer hardware and software	Total
Estimated Useful Life	10 years	3-5 years	
Historical Cost			
Beginning of Year	$ 252,445	$ 287,048	$ 539,493
Additions	-	15,864	15,864
Disposals, Including Write-Downs	(15,716)	(23,032)	(38,748)
	$ 236,729	$ 279,880	$ 516,609
Accumulated Amortization			
Beginning of Year	$ 190,031	$ 132,409	$ 322,440
Amortization Expense	15,192	40,358	55,550
Effect of Disposals	(14,456)	(23,032)	(37,488)
	$ 190,767	$ 149,735	$ 340,502
Net Book Value at March 31, 2013	$ 45,962	$ 130,145	$ 176,107
Net Book Value at March 31, 2012	$ 62,414	$ 154,639	$ 217,053

Office of the Information and Privacy Commissioner

Notes to the Financial Statements *(continued)*

Year ended March 31, 2013

Note 5 Defined Benefit Plans

The Office participates in the multiemployer pension plans: Management Employees Pension Plan, Public Service Pension Plan and Supplementary Retirement Plan for Public Service Managers. The expense for these pension plans is equivalent to the annual contributions of $629,547 for the year ended March 31, 2013 (2012 – $527,141).

At December 31, 2012, the Management Employees Pension Plan reported a deficiency of $303,423,000 (2011 – deficiency $517,726,000) and the Public Service Pension Plan reported a deficiency of $1,645,141,000 (2011 – deficiency $1,790,383,000). At December 31, 2012, the Supplementary Retirement Plan for Public Service Managers had a deficiency of $51,870,000 (2011 – deficiency $53,489,000).

The Office also participates in a multiemployer Long Term Disability Income Continuance Plan. At March 31, 2013, the Management, Opted Out and Excluded Plan reported an actuarial surplus of $18,327,000 (2011 – surplus $10,454,000). The expense for this plan is limited to employer's annual contributions for the year.

Note 6 Contractual Obligations

Contractual obligations are obligations of the Office to others that will become liabilities in the future when the terms of those contracts or agreements are met.

	2013	2012
Obligations under operating leases and contracts	$ 24,989	$ 19,252

Estimated payment requirements for each of the next three years are as follows:

	Total
2013-14	$ 16,205
2014-15	5,382
2015-16	3,402
	$ 24,989

Note 7 Comparative Figures

Certain 2012 figures have been reclassified to conform to the 2013 presentation.

Note 8 Approval of Financial Statements

These financial statements were approved by the Information and Privacy Commissioner.

Office of the Information and Privacy Commissioner

Schedule 1

Salary and Benefits Disclosure

Year ended March 31, 2013

	2013				2012
	Base Salary [a]	Other Cash Benefits [b]	Non-cash Benefits [c]	Total	Total
Senior Official					
Information and Privacy Commissioner [d]	$ 197,672	$ -	$ 53,621	$ 251,293	$ 306,409

Prepared in accordance with Treasury Board Directive 12/98 as amended.

[a] Base salary includes pensionable base pay.
[b] Other cash benefits include vacation payouts and lump sum payments. There were no bonuses paid in 2013.
[c] Other non-cash benefits include the government's share of all employee benefits and contributions or payments made on behalf of employee, including pension, supplementary retirement plan, health care, dental coverage, group life insurance, short and long term disability plans, professional memberships and tuition fees.
[d] Automobile provided, no dollar amount included in other non-cash benefits.

Office of the Information and Privacy Commissioner

Schedule 2

Allocated Costs

Year ended March 31, 2013

	2013				2012
	Expenses - Incurred by Others				
Program	Expenses [a]	Accommodation Costs [b]	Telephone Costs [c]	Total Expenses	Total Expenses
Operations	$ 6,222,513	$ 442,031	$ 15,022	$ 6,679,566	$ 5,998,208

[a] Expenses - Directly Incurred as per Statement of Operations.
[b] Costs shown for Accommodation (includes grants in lieu of taxes), allocated by square footage.
[c] Telephone Costs is the line charge for all phone numbers.

Appendices

Appendix A: Cases Opened By Public Body, Custodian and Organization Type 58

Appendix B: Cases Closed By Public Body, Custodian and Organization Type 61

Appendix C: Orders and Public Investigation Reports Issued 64

Appendix D: Accepted Privacy Impact Assessments by Public Body and Custodian Types 66

Appendix A: Cases Opened By Public Body, Custodian and Organization Type

Statistics are from the period of April 1, 2012 to March 31, 2013

FOIP Public Body Type	Advice and Direction	Authorization to Disregard Request	Complaint	Notification to OIPC	Engage in or Commission a Study 84(1)(e) HIA	Excuse Fee	Investigation Generated by Commissioner	Offence Investigation	Privacy Impact Assessment	Request for Information	Request for Review	Request for Review 3rd Party	Request Time Extension	Self-reported Breach	Total
Agencies	0	0	1	0	0	0	0	0	0	0	0	0	0	1	2
Boards	0	0	9	0	0	0	0	0	1	1	10	1	0	2	24
Child and Family Service Authorities	0	0	5	0	0	0	0	0	0	0	0	0	3	2	10
Colleges	0	0	31	0	0	0	1	0	0	1	3	0	0	0	36
Commissions	0	1	1	0	0	0	0	0	1	1	2	0	2	0	8
Crown Corporations	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1
Federal Departments	0	0	0	0	0	0	0	0	0	2	0	0	0	0	2
Government Ministries/ Departments	0	1	29	0	0	1	2	0	11	13	80	7	31	6	181
Hospital Board (Covenant Health)	0	0	1	0	0	0	0	0	0	0	1	0	0	0	2
Law Enforcement Agencies	1	0	7	5	0	0	2	0	0	2	28	1	3	2	51
Legislative Assembly Offices	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1
Local Government Bodies	0	0	2	0	0	0	0	0	0	0	2	0	0	1	5
Long Term Care Centres	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Municipalities	2	1	15	1	0	2	1	0	4	9	52	12	10	6	115
Nursing Homes	0	0	0	0	0	0	0	0	0	0	0	0	0	2	2
Office of the Premier/Alberta Executive Council	0	0	0	0	0	0	0	0	0	0	6	0	0	0	6
Officers of the Legislature	1	0	1	0	0	0	0	0	0	0	0	0	0	4	6
Provincial Health Board (Health Quality Council)	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1
Regional Health Authorities (Alberta Health Services)	0	0	8	0	0	0	1	1	1	0	27	17	8	5	68
School Districts	0	0	11	0	0	0	1	0	3	0	17	0	1	7	40
Universities	0	0	3	0	0	0	2	0	0	0	9	4	9	2	29
*Other	0	0	0	0	0	0	1	0	0	2	2	0	0	1	6
Total	**4**	**3**	**125**	**6**	**0**	**3**	**11**	**1**	**21**	**32**	**239**	**43**	**68**	**41**	**597**

* "Other" category includes: Advanis, Alberta Urology Institute Inc., ATB Financial, Market Surveillance Administrator, Wheatland and District Emergency Medical Services & Wheatland Regional 911/Dispatch Center.

Appendix A: Cases Opened By Public Body, Custodian and Organization Type

Statistics are from the period of April 1, 2012 to March 31, 2013

HIA Type Custodian	Advice and Direction	Authorization to Disregard Request	Complaint	Notification to OIPC	Engage in or Commission a Study 84(1)(e) HIA	Excuse Fee	Investigation Generated by Commissioner	Offence Investigation	Privacy Impact Assessment	Request for Information	Request for Review	Request Time Extension	Self-reported Breach	Total
Alberta Health	0	0	1	0	0	0	2	0	8	4	1	0	1	17
Affiliates and Information Managers (Electronic Medical Record Vendors/Physician Office System Program, Consultants)	0	0	0	0	0	0	2	0	3	9	0	0	0	14
Chiropractors	0	0	0	0	0	0	1	0	3	0	0	0	4	8
Hospital Board (Covenant Health)	0	0	0	0	0	0	0	0	4	0	0	0	1	5
Dental Hygienists	0	0	0	0	0	0	0	0	1	1	0	0	0	2
Dentists	0	0	0	0	0	0	0	0	0	1	0	0	0	1
Health Professional Colleges and Associations	0	0	0	0	0	0	0	0	0	9	0	0	0	9
Long Term Care Centres	0	0	0	0	0	0	0	0	0	2	0	0	0	2
Nursing Homes	0	0	0	0	0	0	0	0	0	0	0	0	1	1
Opticians	0	0	0	0	0	0	0	0	0	1	0	0	0	1
Pharmacies/Pharmacists	0	0	2	0	0	0	3	0	50	0	0	0	4	59
Physicians	0	0	8	1	0	0	34	0	258	10	5	0	30	346
*Primary Care Networks	0	0	0	0	0	0	1	0	22	1	0	0	2	26
Provincial Health Board (Health Quality Council)	0	0	0	0	0	0	0	0	2	0	0	0	0	2
Registered Nurses	0	0	0	0	0	0	0	0	18	1	0	0	0	19
Regional Health Authorities (Alberta Health Services)	0	0	15	0	0	0	4	0	30	6	8	0	11	74
Researchers	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Research Ethics Boards	0	0	0	0	0	0	0	0	0	1	0	0	0	1
Subsidiary Health Corporations	0	0	1	0	0	0	1	0	0	0	0	0	3	5
Universities/Faculties of Medicine	0	0	0	0	0	0	0	0	0	2	0	0	0	2
Total	**0**	**0**	**27**	**1**	**0**	**0**	**48**	**0**	**399**	**48**	**14**	**0**	**57**	**594**

* Primary Care Networks are formed on the basis of an agreement between custodians: a group of physicians located within a given geographic area, Alberta Health Services and Alberta Health. However, the resulting Primary Care Network organizations are not custodians.

Appendix A: Cases Opened By Public Body, Custodian and Organization Type

Statistics are from the period of April 1, 2012 to March 31, 2013

PIPA Organization Type	Advice and Direction	Authorization to Disregard Request	Complaint	Notification to OIPC	Engage in or Commission a Study	Excuse Fee	Investigation Generated by Commissioner	Offence Investigation	Privacy Impact Assessment	Request for Information	Request for Review	Request Time Extension	Request for Advance Ruling	Self-reported Breach	Total
Accommodation & Food Services	0	0	0	0	0	0	1	0	0	0	2	0	0	3	6
Admin & Support Services	0	0	2	0	0	0	0	0	0	0	2	0	0	2	6
Construction	0	0	3	0	0	0	0	0	0	0	1	0	0	2	6
Educational Services	0	0	0	0	0	0	1	0	0	0	3	0	0	2	6
Finance	0	0	1	0	0	0	2	0	0	0	3	0	0	13	19
Private Healthcare & Social Assistance	0	0	1	0	0	0	0	0	0	1	4	0	0	6	12
Information & Cultural Industries	1	0	1	0	0	0	0	0	0	0	2	0	0	4	8
Insurance Industry	0	0	8	0	0	0	0	0	0	0	2	0	0	14	24
Manufacturing	0	0	2	0	0	0	0	0	0	0	3	0	0	3	8
Mining, Oil & Gas	0	0	3	0	0	0	0	0	0	1	9	0	0	4	17
Professional, Scientific & Technical	0	1	5	0	0	0	1	0	0	1	6	0	0	4	18
Public Administration	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Real Estate, Rental, Leasing	0	0	5	0	0	0	0	0	0	0	4	0	0	0	9
Retail	0	0	7	0	0	0	0	0	0	0	5	0	0	8	20
Transportation	0	0	1	0	0	0	0	0	0	0	1	0	0	0	2
Utilities	0	0	0	0	0	0	0	0	0	0	0	0	0	4	4
Wholesale Trade	0	0	1	0	0	0	0	0	0	0	1	0	0	1	3
Arts, Entertainment & Recreation	0	0	2	0	0	0	0	0	0	0	2	0	0	1	5
*Other Services	0	0	10	0	0	0	1	0	0	7	6	0	0	13	37
Total	**1**	**1**	**52**	**0**	**0**	**0**	**6**	**0**	**0**	**10**	**56**	**0**	**0**	**84**	**210**

* Other Services include repair, personal care, beauty shops, unions, parking lots, religious organizations, business associations, political organizations, professional regulatory organizations, courier services, agricultural companies and condo boards.

Appendix B: Cases Closed By Public Body, Custodian and Organization Type

Statistics are from the period of April 1, 2012 to March 31, 2013

FOIP Public Body Type	Advice and Direction	Authorization to Disregard Request	Complaint	Notification to OIPC	Engage in or Commission a Study	Excuse Fee	Investigation Generated by Commissioner	Offence Investigation	Privacy Impact Assessment	Request for Information	Request for Review	Request for Review 3rd Party	Request Time Extension	Self-reported Breach	Total
Agencies	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Boards	0	0	7	0	0	0	0	0	0	1	6	0	0	2	16
Child and Family Service Authorities	0	0	5	0	0	0	0	0	0	0	3	0	3	2	13
Colleges	0	0	2	0	0	0	1	0	0	1	2	0	0	0	6
Commissions	0	1	2	0	0	0	0	0	1	1	2	0	2	1	10
Crown Corporations	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1
Federal Departments	0	0	0	0	0	0	0	0	0	2	0	0	0	0	2
Government Ministries/ Departments	0	1	15	0	0	1	0	0	6	12	28	4	21	8	96
Hospital Board (Covenant Health)	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Law Enforcement Agencies	0	0	6	5	0	0	0	0	1	2	27	1	3	1	46
Legislative Assembly Offices	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1
Local Government Bodies	0	0	1	0	0	0	0	0	0	0	1	0	0	0	2
Municipalities	2	0	12	1	0	1	0	0	4	10	42	10	10	6	98
Nursing Homes	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1
Officers of the Legislature	1	0	1	0	0	0	0	0	0	0	1	0	0	4	7
Premier's Office	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1
Panels	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1
Regional Health Authorities (Alberta Health Services)	0	1	5	0	0	1	1	1	0	0	12	2	8	5	36
School Districts	0	0	7	0	0	0	0	0	2	1	23	0	1	5	39
Universities	0	0	1	0	0	0	0	0	0	0	11	3	9	1	25
*Other	0	0	0	0	0	0	0	0	1	2	3	1	0	1	8
Total	**3**	**3**	**66**	**6**	**0**	**3**	**2**	**1**	**15**	**33**	**163**	**21**	**58**	**37**	**411**

* "Other" category includes: Advanis, Alberta Innovates - Bio Solutions, Alberta Urology Institute Inc., Alberta Treasury Branch, Market Surveillance Administrator, EPCOR Utilities Inc., Wheatland and District Emergency Medical Services & Wheatland Regional 911/Dispatch Center.

Appendix B: Cases Closed By Public Body, Custodian and Organization Type

Statistics are from the period of April 1, 2012 to March 31, 2013

HIA Type Custodians	Advice and Direction	Authorization to Disregard Request	Complaint	Notification to OIPC	Engage in or Commission a Study	Excuse Fee	Investigation Generated by Commissioner	Offence Investigation	Privacy Impact Assessment	Request for Information	Request for Review	Request Time Extension	Self-reported Breach	Total
Alberta Health	0	0	0	0	1	0	1	0	6	2	1	0	1	12
Affiliates and Information Managers (Electronic Medical Record Vendors/Physician Office System Program, Consultants)	0	0	0	0	0	0	0	0	2	4	0	0	0	6
Associations, Boards, Councils, Committees, Panels, or Agencies created by Custodians	0	0	0	0	0	0	0	0	1	5	0	0	0	6
Chiropractors	0	0	0	0	0	0	0	0	2		0	0	3	5
Dentists	0	0	0	0	0	0	0	0	0	1	0	0	1	2
Dental Hygienists	0	0	0	0	0	0	0	0	1	1	0	0	0	2
Health Professional Colleges and Associations	0	0	0	0	0	0	0	0	0	7	0	0	0	7
Hospital Board (Covenant Health)	0	0	0	0	0	0	0	0	4	0	0	0	1	5
Long Term Care Centres	0	0	0	0	0	0	0	0	3	2	0		1	6
Nursing Homes	0	0	0	0	0	0	0	0	0	0	0	0	1	1
Opticians	0	0	0	0	0	0	0	0	0	1	0	0	0	1
Pharmacies/Pharmacists	0	0	4	0	0	0	3	1	51	3	0	0	3	65
Physicians	0	0	6	0	0	0	28	0	253	8	7	0	29	331
*Primary Care Networks	0	0	0	0	0	0	1	0	23	1	0	0	1	26
Provincial Health Boards	0	0	0	0	0	0	0	0	3	0	0	0	0	3
Researchers	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Registered Nurses	0	0	0	0	0	0	0	0	27	1	0	0	0	28
Regional Health Authorities (Alberta Health Services)	0	1	12	0	0	0	9	0	32	9	9	0	14	86
Research Ethics Boards	0	0	0	0	0	0		0	0	1		0		1
Subsidiary Health Coporations	0	0	1	0	0	0	0	0	2	0	0	0	3	6
Universities/Faculties of Medicine	0	0	0	1	0	0	0	0	0	3	0	0	1	5
Total	**0**	**1**	**23**	**1**	**1**	**0**	**42**	**1**	**410**	**49**	**17**	**0**	**59**	**604**

* Primary Care Networks are formed on the basis of an agreement between custodians: a group of physicians located within a given geographic area, Alberta Health Services, and Alberta Health and Wellness. However, the resulting Primary Care Network organizations are not custodians.

Appendix B: Cases Closed By Public Body, Custodian and Organization Type

Statistics are from the period of April 1, 2012 to March 31, 2013

PIPA Organization Type	Advice and Direction	Authorization to Disregard Request	Complaint	Notification to OIPC	Engage in or Commission a Study	Excuse Fee	Investigation Generated by Commissioner	Offence Investigation	Privacy Impact Assessment	Request for Information	Request for Review	Request Time Extension	Request for Advance Ruling	Self-reported Breach	Total
Accommodation & Food Services	0	0	0	0	0	0	0	0	0	0	3	0	0	3	6
Admin & Support Services	0	0	3	0	0	0	0	0	0	0	4	0	0	2	9
Construction	0	0	8	0	0	0	0	0	0	0	2	0	0	1	11
Educational Services	0	0	2	0	0	0	0	0	0	0	2	0	0	1	5
Finance	0	0	6	0	0	0	0	0	0	0	2	0	0	12	20
Private Healthcare & Social Assistance	0	0	4	0	0	0	0	0	0	0	3	0	0	4	11
Information & Cultural Industries	1	0	2	0	0	0	0	0	0	0	1	0	0	2	6
Insurance Industry	0	0	9	0	0	0	0	0	0	0	2	0	0	13	24
Manufacturing	0	0	4	0	0	1	0	0	0	0	4	0	0	3	12
Mining, Oil & Gas	0	0	8	0	0	0	0	0	0	0	10	0	0	4	22
Professional, Scientific & Tech.	0	0	9	0	0	0	0	0	0	0	5	0	0	7	21
Public Administration	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Real Estate, Rental & Leasing	0	0	19	0	0	0	0	0	0	0	2	0	0	0	21
Retail	0	0	12	0	0	0	0	0	0	0	4	0	0	6	22
Transportation	0	0	1	0	0	0	0	0	0	0	1	0	0	0	2
Utilities	0	0	0	0	0	0	0	0	0	0	0	0	0	3	3
Wholesale Trade	0	0	4	0	0	0	0	0	0	0	0	0	0	1	5
Arts, Entertainment & Recreation	0	0	3	0	0	0	0	0	0	0	0	0	0	2	5
*Other Services	0	0	18	0	0	0	2	0	0	7	11	0	0	11	49
Total	**1**	**0**	**113**	**0**	**0**	**1**	**2**	**0**	**0**	**7**	**56**	**0**	**0**	**75**	**255**

* Other Services include repair, personal care, beauty shops, unions, parking lots, religious organizations, business associations, political organizations, professional regulatory organizations, courier services, agricultural companies and condo boards.

Appendix C: Orders and Public Investigation Reports Issued

All Statistics are from the period April 1, 2012 to March 31, 2013

FOIP RESPONDENT	ORDERS	DECISIONS	PUBLIC INVESTIGATION REPORTS	TOTAL
Alberta Corporate Human Resources	1	0	0	1
Alberta Environment and Sustainable Resource Development	1	0	0	1
Alberta Health	1	0	0	1
Alberta Health Services	5	0	0	5
Alberta Human Services	1	0	0	1
Alberta Justice and Solicitor General	1	0	0	1
Alberta Transportation	1	0	0	1
Alberta Treasury Board and Finance	1	0	0	1
Alberta Treasury Branches	1	0	0	1
Calgary and Area Child and Family Service Authority	1	0	0	1
Calgary Police Service	4	0	0	4
County of Thorhild	1	0	0	1
Edmonton Police Service	5	0	0	5
Grande Yellowhead Public School Division No. 77	1	0	0	1
High Prairie School Division No. 48	1	0	0	1
Holy Family Catholic Regional Division No. 37	1	0	0	1
Leduc County	1	0	0	1
Service Alberta	2	1	0	3
University of Calgary	1	0	0	1
Workers' Compensation Board	0	1	0	1
Sub-Total	**31**	**2**	**0**	**33**

HIA RESPONDENT	ORDERS	DECISIONS	PUBLIC INVESTIGATION REPORTS	TOTAL
Alberta Health Services	1	0	0	1
Calgary Co-op Shawnessy Centre	0	0	1	1
Dr. Mohamed Abdel-Keriem	1		0	1
Sub-Total	**2**	**0**	**1**	**3**

PIPA RESPONDENT	ORDERS	DECISIONS	PUBLIC INVESTIGATION REPORTS	TOTAL
Alberta New Home Warranty Program	1	0	0	1
Alberta Teachers' Association	1	0	0	1
Budget Rent-A-Car of Calgary (1968) Ltd. (45608 Alberta Ltd.)	1	0	0	1
Canadian Linen and Uniform Service	1	0	0	1
Canadian Union of Public Employees, Local 30	1	0	0	1
Eagles Nest Ranch Association	1	0	0	1
Fast Life International	1	0	0	1
G.M.A. Properties Inc./Alliance Realty Inc.	1	0	0	1
Legal Aid Society of Alberta	0	1	0	1
Lifemark Health Management Inc. (Centric Health Corp.)	1	0	0	1
Peter Choate and Associates Ltd.	1	0	0	1
Pro-Western Plastics Ltd.	1	0	0	1
Sentinel Registry Ltd.	0	1	0	1
Stolo's Pizza and Sports Bar	1	0	0	1
Talisman Energy Inc.	1	0	0	1
Sub-Total	**13**	**2**	**0**	**15**
Total	**46**	**4**	**1**	**51**

FOIP Orders: 31 (32 cases)
FOIP Decisions: 2 (2 cases)
HIA Orders: 2 (2 cases)
HIA Decisions: 0
PIPA Orders: 13 (14 cases)
PIPA Decisions: 2 (2 cases)

* This Table contains all Orders and Decisions released by the OIPC whether the issuance of the Order and Decision concluded the matter or not. The OIPC has issued Decisions during this Fiscal Year that related to the matter but did not conclude/close the file.

Orders with one order number covering more than one public body or organization are counted as one Order; an Order containing more than one Order number is counted according to the number of order numbers listed on the Order.

Some Orders and Decisions and/or Report Numbers were assigned to more than one case.

Orders/Decisions are recorded by the date the Orders/Decisions were signed, rather than the date the Orders/Decisions were publicly released.

Under the legislation, only certain case types can proceed to inquiry if the matters are not resolved at mediation/investigation. The above statistics are those case types that can proceed to inquiry (Request for Review and Complaint files).

A copy of all Orders/Decisions and Investigation Reports are available on the OIPC web site www.oipc.ab.ca

Appendix D: Accepted Privacy Impact Assessments by Public Body and Custodian Type

All statistics are for the period of April 1, 2012 - March 31, 2013

PUBLIC BODY	PIA TITLE
MINISTRIES/DEPARTMENTS	
Alberta Education	Addendum - Provincial Approach to Student Information (PASI)
Alberta Human Services	Alberta Learning Information Services (ALIS) CAREERinsite Enhancement
	Automated Reporting for Clients (ARC) Biometric Authentication and Web Portal
	NE Scanning SharePoint Pilot
Alberta Innovates - Bio Solutions	Bio Solutions (AI-Bio), BioLINK
Alberta Justice & Solicitor General	Family Justice Services (FJS) Client File Index
Alberta Treasury Board & Finance	Statistical Review of Albertans Injured in an Automobile Collision
COMMISSIONS	
Appeals Commission for Alberta Workers' Compensation	Appeals Commission Electronic System (ACES)
LAW ENFORCEMENT	
Edmonton Police Service	Body Worn Video Pilot
MUNICIPALITIES	
City of Airdrie	Engage Airdrie
Strathcona County	Community Centre and County Hall - Video Surveillance Cameras
	Fire Inspection Software
SCHOOL DISTRICTS	
Edmonton Public School District No. 7	Student Record Request System Project
Wolf Creek Public Schools	Surveillance Cameras
CUSTODIAN	
CHIROPRACTORS	
Dr. Janice Noji	Paper Based System to Electronic Information System - Chirosuite
Dr. Melanie Beingessner	Paper Based System to Electronic Information System - Chirosuite

CUSTODIAN	PIA TITLE
DENTAL HYGIENISTS	
Melissa Willett	IMA ABEDEMT
MINISTRIES/DEPARTMENTS	
Alberta Health	Alberta Netcare Portal (ANP)
	Access to Practitioner Identifier (Prac ID) Directory for Billing Purposes
	Review of National Physician Database (NPDB)
	Communicable Diseases - Outbreak Management, (CD/OM)- Data Transfer to Alberta Health
	Addendum 2 : Risk Adjusted Groupers (RAG) - Addition of Alberta Blue Cross and Pharmaceutical Data
	Alberta Cancer Registry (ACR) - Data Transfer to Alberta Health (AH)
PHYSICIANS	
	123 Physician Office System Program (POSP) PIAs
	28 Alberta Netcare PIAs
	7 Mihealth PIAs
Dr. Keith McNicol	Westview Physician Collaborative Primary Care Data Management/Measurement Reporting (PC-DMMR) System
Dr. A. Ebaij	Microquest Electronic Medical Records PIA encompassing Netcare
Dr. Ahmed R. Al-Ghoul	Full Organizational and Medical Information System Submission with Optimed
Dr. Al Kryski	Diagnostic Imaging Software with GE Image Valut and Echopac encompassing Netcare
Dr. Al Kryski	Diagnostic Imaging Software with GE Image Valut and Echopac encompassing Netcare
Dr. Andrew Spak	PIA Amendment: Satellite Location & Vendor Changes
Dr. Anne Conrad	RIS/ PACS by Candelis Implementation Netcare Portal and Netcare Diagnostic Imaging Repository
Dr. Anwer Abdalla	MicroQuest HealthQuest Electronic Medical Records PIA encompassing Netcare and participation in the Edmonton Southside PCN
Dr. Ben Wong	PIA Amendment: Electronic Voice Recognition Dictation and Transcription Service Project
Dr. Benjamin Chiam	PIA Amendment: inclusion of satellite office in Calgary
Dr. Benjamin Chiam	Amendment - inclusion of new satellite facility, The Lung and Wellness Centre, Redwater AB

CUSTODIAN	PIA TITLE
Dr. Benjamin Chiam	Amendment - inclusion of new satellite facility, The Lung and Wellness Centre, Millbourne Shopping Centre, EDM AB
Dr. Bobby Sreenivasan	TELUS Physician Solutions PIA encompassing Netcare
Dr. Branden Reid	Edmonton North PCN Specialist Referral System (H3904)
Dr. Branden Reid	Microquest HealthQuest Electronic Medical Records PIA encompassing participation in the Edmonton North PCN
Dr. Calvin Greene	VCUR 2006 Electronic Medical Records Non-Streamlined Solution (Microquest Healthquest) - Regional Fertility Program
Dr. Carlissa Wittner-Smith	Optimed Electronic Medical Records PIA
Dr. Christina Dolhaniuk	Optimed Accuro Electronic Medical Records PIA
Dr. Christopher Lyddell	Optimed Electronic Medical Records PIA encompassing Netcare
Dr. Colleen Friesen	Wireless
Dr. Connie Switzer	MicroQuest Electronic Medical Records PIA encompassing Netcare
Dr. Corrina Iampen	VCUR 2006 Electronic Medical Records Solution with TELIN
Dr. Donald Groot	Microquest Electronic Medical Record PIA encompassing Netcare
Dr. Douglas Scott	Amendment to Radiology Information System/Picture Archiving and Communications System ASP Project
Dr. F.L. Leong-sit	WiFi Implementation for Electronic Medication Administration Management
Dr. Farrah Yau	Optimed Electronic Medical Records
Dr. Fozia Zakaria	Electronic Medical Records PIA encompassing Netcare and participation in the Edmonton Southside PCN
Dr. George Torok-Both	Outsourced Transcription Services
Dr. Hajjaj S. Al-Hajjaj	Dentrix PIA encompassing Netcare
Dr. Hakique Virani	Metro City Medical Clinic Electronic Health System(s) Project
Dr. Helene Cuddihy	Extending remote access clinic's physicians allowing access from home to assist in completion of clinic documentation.
Dr. Hugo Bertozzi	Optimed Electronic Medical Records PIA encompassing Netcare
Dr. Husameddin Alshgagi	HealthQuest Electronic Medical Record PIA encompassing Netcare
Dr. Indra Dhunnoo	Microquest Healthquest Electronic Medical Records PIA encompassing Netcare
Dr. Jaggie Rao	ConsultDERM

CUSTODIAN	PIA TITLE
Dr. Jennifer Tse	JET Electronic Medical Records
Dr. Jerome Olughor	HealthQuest Electronic Medical Record PIA encompassing Netcare
Dr. Johannes Koen	Optimed Electronic Medical Records PIA encompassing Netcare
Dr. Jolene Kenyon	Outsourced Transcription Services by Sheritt Services Inc.
Dr. Joni McNeely	Optimed Electronic Medical Records PIA encompassing Netcare Access and participation in the Highland PCN
Dr. Kam Kassiri	HealthQuest Electronic Medical Record PIA encompassing Netcare
Dr. Kevin Wong	Optimed Electronic Medical Records PIA
Dr. Khaled Hajar	HealthQuest Electronic Medical Record PIA encompassing Netcare
Dr. Kumar Ramlall	HealthQuest Electronic Medical Records PIA encompassing Netcare
Dr. Kumar Ramlall	HealthQuest Electronic Medical Record PIA encompassing Netcare
Dr. Kumar Ramlall	Outsourced Transcription Services by Sherritt Services Inc. operating as Sherritt Educational Services
Dr. Lakshmi Visvanatha	PIA Amendment to H4789: Email Services
Dr. Lorne Poon	Microquest Healthquest Electronic Medical Records PIA encompassing Netcare and Wireless
Dr. Lynne Robertson	Amended PIA: Migrating clinical data from an Optimed EMIS EMR to VCUR 2008 Med Access EMR
Dr. Maria Celis	OSCAR Electronic Medical Records PIA encompassing Netcare and participation in the South CALG PCN
Dr. Mohamed Ighema	Addendum to PIA H2572 to include Physicians at Kensington Medical Clinic, Eastood Medical Clinic, Tipaskan Medical Clinic, Capilano Medical Center, Westmount Medical Clinic
Dr. Mohammed Elkassem	Med Access Electronic Medical Record encompassing Netcare
Dr. Naila Nisar Hussan	TELIN Electronic Medical Records PIA encompassing Netcare
Dr. Nanette Fouche	Telin Mediplan Electronic Medical Records PIA encompassing Netcare and participation in the Calgary Foothills PCN
Dr. Natalie Watt	TELIN Electronic Medical Records PIA encompassing Netcare
Dr. Neil Skjodt	Microquest Electronic Medical Records PIA encompassing Netcare
Dr. Neil Skjodt	Outsourced Transcription Services
Dr. O. Falodun	PIA Amendment: H3119
Dr. Oliver David	Oral Health Screening & Varnish Project

CUSTODIAN	PIA TITLE
Dr. Paul M. K. Leung	HealthQuest Electronic Medical Record PIA encompassing Netcare
Dr. Robert L. Stubbs	PIA Amendment RIS, PACS
Dr. Ross Dunbar	Telin to MD Physician Services
Dr. S. Tomi	HealthQuest Electronic Medical Records
Dr. S.A. Jansen van Rensburg	Optimed Electronic Medical Records PIA encompassing Netcare and participation in the Calgary Rural PCN
Dr. Samir Lalani	Telus Electronic Medical Records PIA
Dr. Samir Lalani	On-Line Appointment Request
Dr. Samir Mouhammed	HealthQuest Electronic Medical Records PIA
Dr. Samir Mouhammed	HealthQuest Electronic Medical Records PIA
Dr. Sandy L. Widder	VCUR 2006 with Optimed Electronic Medical Records
Dr. Stephanus Andreas Van Zyl	Amendment - Evaluation of Data Collection Methods
Dr. Stephen Wainer	E-mail and Wireless Networking Services
Dr. Tark Raslan	Healthquest Electronic Medical Record encompassing Netcare and participation in the Edmonton North PCN
Dr. Valerie Smith	Healthquest EMR (Local Installation) Amendment
Dr. Vijay K. Thapar	Telin Electronic Medical Records PIA encompassing Netcare
Dr. William Fowler	Optimed Accuro PIA Electronic Medical Records encompassing Netcare Access and participation in the Calgary West PCN
Dr. William Fowler	Optimed Accuro Electronic Medical Records PIA encompassing Data Migration and participation in the Calgary West PCN
Dr. Z. Ramadan	Healthquest Electronic Medical Records PIA encompassing Netcare and participation in the Edmonton North PCN
PHARMACIES/PHARMACISTS	
	48 Alberta Netcare PIAs
	1 Mihealth PIA
Loblaw Companies Limited	Data Transfer Across Canada to Loblaw's Data Centre in
Care Plus Medical Clinic	HealthQuest Electronic Medical Record PIA encompassing Netcare

CUSTODIAN	PIA TITLE
PRIMARY CARE NETWORKS	
Bow Valley Primary Care Network	Bow Valley PCN Inter-Professional Primary Care Team
	Chronic Disease Management Quality of Life Measure Tool
Calgary Mosaic Primary Care Network	Practice Solutions Suite EMR Implementation ASP Model to Alberta Netcare
	New Calgary Mosaic PCN Managed Clinics - Westwinds
Calgary West Central Primary Care Network	Wolf and Video Surveillance
	Richmond Square Medical Clinic - Amendment Dictation Services
	Program Wolf EMR and Video Surveillance
	Information Management (Vendor) PIA
	Clinic Billing Amendment Process Program
Edmonton Oliver Primary Care Network	Edmonton Oliver PCN Patient Scheduling and Portal System
Highland Primary Care Network	Participation in the Calgary Foothills Primary Care Network CFPCN Unattached Patient Web Registry
	Review of Highland PCN
Leduc Beaumont Devon Primary Care Network	Patient On-line Booking Appointment PIA
Peaks to Prairies Primary Care Networks (PCN)	Peaks to Prairies Primary Care Network
Sherwood Park - Strathcona County Primary Care Network	Virtual Care Management Pilot
	Teledermatology Project
Wainwright Primary Care Network	Wainwright Primary Care Network
WestView Primary Care Network	Organization Management Amendment
	After Hours Clinic EMR Implementation Amendment - 1
	After Hours Clinic EMR Implementation Amendment - 2
Wood Buffalo Primary Care Network	Amendment to Wolf Medical System Electronic Medical Records (EMR) to Alberta Netcare
	POSP PIA VCUR 2008 Electronic Medical Records
REGIONAL HEALTH AUTHORITIES	
Alberta Health Services	Alberta Breast Cancer Screening Program (ABCSP)
	Alberta Breast Cancer Screening Program Amendment #1 - Social Marketing Project

CUSTODIAN	PIA TITLE
	Alberta Cancer Registy
	Alberta Cervical Cancer Screening Program Amendment - Social Marketing Project
	Alberta Provincial Stroke Strategy Amendment
	Amendment #2, Real-Time Emergency Patient Access and Coordination Program (REPAC)
	Amendment to Antibiotic Resistant Information System (ARIS)
	Amendment to theTopcon Synergy
	Calgary Cardiology Picture Archiving Communication System (CCPACS)
	Chronic Disease Managment Quality of Life Measurement Tool
	Clinic Reporting Service Provision (CRSP)
	Communicable Disease and Outbreak Management (CD/OM) - Release 1 PIA
	Community Care Information system (CCIS) - Amendment #1
	Community Care Information System (CCIS) - Calgary Zone
	Corrections Health Services - Health Record
	Digital Echocardiography System
	EMS Integrated Reporting Information System
	EndoWorks (Edmonton Zone)
	Expedited Management of Lung Cancer Program Interim Performance Measurement System
	Exposure Investigations (EI) System
	Netcare Clinical Respitory Project
	Northern Alberta Children's Cancer Program Database
	Organ Transplant Tracing Record (OTTR)
	Pharmacy System - Edmonton Zone
	Provincial EMS Computer Aided Dispatch (CAD) System
	Provincial Health Information Exchange (PHIE)
	QA Database for Vascular Interventions (Vascubase) PIA
	Rapid North Coordination and Referral Information (CRIS)

CUSTODIAN	PIA TITLE
	TopCon Synergy
HOSPITAL BOARDS	
Covenant Health	Changes to HNRN Database
	Centricity Perinatal System
	Health Failure Clinic Management System
	Centricity Pharmacy System - Edmonton Zone
REGISTERED NURSES	
	7 Alberta Netcare PIAs
Ms. Beth Holmes, RN; Alexander Health Services, Alexander First Nation	Alexander Health Services Electronic Community Health Information System PIA
Ms. Dawnna-Lee Nielsen, RN; Kiska Waptin Health Centre	Kiska Waptin Health Centre (KWHC) Electronic Community Health Information System Project
Ms. Faye North Peigan, RN; Aakom Kiyii Health Services	Paper Community Health Records to an Electronic Community Health and Immunization Program (CHIP) Solution
Ms. Faye North Peigan, RN; Aakom Kiyii Health Services	Paper Diabetes Management Records to an Electronic Diabetes Community Assessment, Response, and Evaluation (CARE) Solution
Ms. Gloria Fraser, RN; Bigstone Health Commission	Bigstone Health Commission Immunization Electronic System
Ms. Holly Best, RN; Loon River Health Centre	Loon River Health Centre Electronic Community Health Information System
Ms. Holly Best, RN; Woodland Cree Health Services	First Nations & Inuit Health (FNIH), Alberta Region Home Care Reporting System (HRCS) Implementation Project
Ms. Iola Bourque, RN; Atikameg Health Centre	Atikameg Health Centre Electronic Community Health Information PIA Submission
Ms. Janice Abe, RN; Morning Sky Health and Wellness Society (MSHWS)	Morning Sky Health and Wellness Society (MSHWS) Immunization System Project
Ms. Jyoti Vasudev, RN; Woodland Cree Health Centre	Paper Community Health Records to an Electronic Community Health and Immunization Program (CHIP)
Ms. Lillian Turaznski, RN; Cold Lake First Nations Health Centre	Cold Lake First Nations Health Centre Immunization Electronic System PIA
Ms. Mary Flondra, RN; Goodfish Lake Health Centre	Goodfish Lake Health Cetnre (GFLHC) Electronic Health Systems Project
Ms. Monique Girod, RN; Whitefish Lake Health Services	First Nations & Inuit Health (FNIH), Alberta Region Home Care Reporting System (HRCS) Implementation Pilot Project

CUSTODIAN	PIA TITLE
Ms. Norine Woods, RN; Frog Lake Morning Sky Health and Wellness Society	First Nations & Inuit Health (FNIH), AB Region Home Care Reporting System (HCRS) Implementation Pilot Program
Ms. Ruth Milner, RN; Blood Tribe Home Care Program	Blood Tribe Home Care Program
Ms. Sandra Slomp, RN; Stoney Trail Wellness Center	Stoney Trail Wellness Centre (STWC) Immunization Project
Ms. Shirley Lazaruk, RN; Loon River Health Services	First Nations & Inuit Health (FNIH), Alberta Region Home Care Reporting System (HCRS) Implementation Program
Ms. Shirley Lazurak, RN; Peerless Lake Community Health Services	First Nations & Inuit Health (FNIH), Alberta Region Home Care Reporting System (HRCS) Implementation Pilot Project
Ms. Trudy Dawn Young, RN; Kehewin Health Services	Amendment to Community Health and Immunization Program (CHIP) Deployment of Diabetes Case Management H4598
Ms. Wendy Ward, RN; Tall Cree Health Centre	Tall Cree Health Centre Electronic Community Health Information System encompassing Paper Community Health Records to an Electronic Community Health And Immunization Program (Chip)
PROVINCIAL HEALTH BOARD	
Health Quality Council of Alberta	Amendment - Patient Experience Surveys
	Patient Experience Surveys
	Addendum to Part A: Patient Experience Surveys
SUBSIDAIRY HEALTH CORPORATION	
Calgary Laboratory Services Ltd.	Amendment Paperless ECG Pilot Project
DynaLIFEDx Diagnostic Laboratory Services	Home Collections Information Systems (HCIS)
AFFILATES AND INFORMATION MANAGERS	
Med Access	Review of Med Access New Features
ASSOCIATIONS	
Alberta Medical Association	Physician Locum Services Billing Service Implementation